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**Interrogating Need:
On the Role of Need in Matters of Justice**
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Christina Dineen

31/03/2017

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Abstract

Need is a concept that carries intuitive appeal in moral decision-making. As it stands, need is relatively under-theorised, given its currency not just in philosophical argumentation but in news coverage, charitable appeals, and political practice. Need claims carry compelling normative force, and they are amenable to widespread support as our most basic needs are some of the things we most transparently share with our fellow human beings. However, how should we understand that normative force? Is need best understood to compel us *as a matter of justice*?

I begin my account by considering the kind of need relevant to the project. I build from an understanding of need as a three-place relation, which is by its nature needing for a purpose. I suggest that morally important needs are those which aim at the objective interests that all people have in virtue of what is good for each of us *qua* human beings ('non-arbitrary needs'). Further, I distinguish the existentially urgent subset of those non-arbitrary needs as 'basic needs.'

Given this understanding, I consider how basic needs theory relates to its conceptual neighbours. I focus on capabilities as the nearest neighbours, but also comment on wants, interests, and rights. I judge that the theories developed by Martha Nussbaum (capabilities) and Len Doyal and Ian Gough (needs) benefit from a complementary reading, with each supplementing the other. I then draw from Amartya Sen's early writings on capabilities to ultimately see capabilities and needs as two sides of the same coin. This helps to situate needs theory in relation to a mainstream branch of political theory more generally, and indicates that we can recognise the special significance of needs without eschewing other morally important categories.

I then move to establish a scope of justice that allows us to distinguish between duties of justice and other moral duties. If we think that duties of beneficence are weak and optional, whereas duties of justice are binding and enforceable, a great deal rides on how we characterise our duties to the global poor. I offer a 'moral enforceability' account, claiming that duties of justice are those which are, in principle, morally enforceable. It is the in-principle enforceability of justice duties which gives them teeth.

Returning to need, I then ask how another's need comes to give me a moral reason for action. I canvas a range of existing accounts, many of which furnish important insights. I then propose that it is the morally relevant capacities of the being in need which gives them moral status such that their needing is morally significant. We are morally required to answer this need with responsiveness, as a demonstration of appropriate respect for the sort of being that the human in need is. If this is right, we are morally required to be responsive to need, even if we are not always required to reduce it.

Finally, I bring the diverse strands of the foregoing argument together to return to the relationship between need and justice. I consider what a duty of responsiveness might amount to in practice, and suggest that our duties of responsiveness are best thought of as collective duties, grounded in the capacity of the global well-off to contribute. Further, I argue that duties of responsiveness are a matter of justice, as they are the sort of duties that are, in principle, morally enforceable. A wide range of threats to the necessary conditions for human flourishing, and even human life, are on the horizon, and many of these are uniquely collective challenges. The seriousness of those challenges, and the extent to which we have treated our responsibilities to those in need as discretionary in the past, means collective action and problem solving are called for when there are no easy answers.

Introduction

Need is a concept that carries intuitive appeal. In moral and political theory, although it is not always treated as a central or foundational concept, its currency is often called on when considering the “morality of the depths.”¹ Basic needs reveal a line beneath which no one should be allowed to sink. Beyond theory, when faced with catastrophic disasters such as Hurricane Matthew in Haiti (2016) and the famine in Somalia (2017), media reports emphasised the severity and urgency of the situation by highlighting the number of people ‘in need’ and the basic and necessary nature of the goods needed.² Need also plays a justificatory role in distributive justice decision-making, both at the macro and micro-levels: funding decisions are defended as responding to the greatest need,³ and rationing of scarce medical resources is often justified on grounds of ‘medical need.’⁴

One reason needs carry this level of currency is that the most basic human needs are universal: we all need nutrition and hydration to survive. Need claims are amenable to widespread support, as our most basic needs are some of the things we most transparently share with our fellow human beings. However, need has received relatively little philosophical attention in comparison with concepts like freedom or rights. We often do take the need of others to give us reasons for action, but why should we do so? Why should the need of our fellow human beings move us? What gives need normative force? Further, we might wonder whether need is best understood to compel us *as a matter of justice*. How are need and justice related?

¹ Shue, 1980, p. 18. Here Henry Shue is defending basic rights as belonging to the morality of the depths, but his account of ‘subsistence rights’ aligns with what many theorists consider basic needs. See, for example: Decew, 1985.

² UN News Centre, 2016; Parry, 2017.

³ Howden & Fotiadis, 2017.

⁴ NHS Ambulance Services, 2015, para. 5. See also Eddie Chaloner’s analysis of the ongoing changes to the scope of ‘medical need’ as defined by the National Health Service in the UK (2013).

I begin this introduction by identifying the focus of the project, and several motivations which make it a worthwhile inquiry. I then point to the current state of need in moral and political theory, and defend the project's aim of focusing on need-in-itself. I then address issues of terminology. The grammar of need is worth attending to as the subject of much philosophical study, and the language used to denote positions of disadvantage and destitution is contestable. I then provide a brief account of the methodological approach of this project, identifying some of the tools of analytic political theory which are employed throughout. Finally, I summarise the structure of the thesis.

I. The Project

I.i Focus and motivation

The project is an attempt to offer the strongest possible account of the moral normativity of need. This does not include analysing the concept of need to determine what it already contains, or what we actually mean when we use it. Rather, it involves considering the reasons we can offer as defensible grounds for taking need to give us moral reason for action, and the kind of obligations that follow from these reasons for action. The inquiry centres on the following organising questions:

- Why might someone being in need give us moral reason for action?
- What kind of duties follow from the moral normativity of need, and are they best seen as duties of justice, or of some other moral domain?

The strongest possible account will retain the practical merits that need is often taken to have as a concept – namely intuitive moral force and simplicity – and will also survive scrutiny and more robust interrogation. I use these considerations as a guide when evaluating existing accounts of need, and when offering my own.⁵

⁵ See Chapters 4 and 5.

It might seem unnecessary to question the grounds of need's moral normativity, given its obvious traction in moral and political theory, and in people's justifications of their individual and public decision-making. On this point, there is relatively little disagreement: need claims are a regular feature of life as we currently know it, and their intelligibility and relevance is not limited to the confines of academe.⁶ We might think "the brute fact that a person is in serious need"⁷ offers compelling moral reason for action, and no further comment or investigation is needed.

Of course, even if it were unanimously agreed that need is morally normative, it would still be of philosophical interest to question *how* and *why* it is normative. Further, need claims may be ubiquitous, but do *all* need claims share the same moral status? Need is used to make appeals for goods as various as clean water and high-speed internet connections; how far does the concept stretch?

However, need is not universally acknowledged as morally normative:

"A morality that holds need as a claim, holds emptiness – nonexistence – as its standard of value; it rewards an absence, a defect: weakness, inability, incompetence, suffering, disease, disaster, the lack, the flaw – the zero."⁸

"[Robin Hood] is the man who became the symbol of the idea that need, not achievement, is the source of rights, that we don't have to produce, only to want, that the earned does not belong to us, but the unearned does. [...] And this has brought us to a world where the more a man produces, the closer he comes to the loss of all his rights, until, if his ability is great enough, he becomes a rightless creature delivered as prey to any claimant – while in order to be placed above rights, above principles, above morality, placed where anything is permitted to him, even plunder and murder, all a man has to do is to be in need."⁹

⁶ For example: Reader & Brock, 2004; Hamilton, 2003; Doyal & Gough, 1991; Thomson, 1987.

⁷ Elazar, 2003, p. 5.

⁸ Rand, 1996, p. 931.

⁹ Rand, 1996, p. 532-533.

The writings of Ayn Rand offer many such scathing indictments of need's role in morality,¹⁰ and her work continues to enjoy influence with many American elites, whose influence is, in turn, felt globally.¹¹ Libertarians such as Jan Narveson and Robert Nozick offer more considered and rigorous challenges for the moral normativity of need, particularly that of strangers and non-compatriots.¹²

I will not approach this inquiry as a direct response to Rand or to classical libertarians. In doing so, we risk allowing the terms and the scope of the discussion to be set when these may be the very sources of the challenge at hand. Rather, I point to Rand as an exemplar of persistent disagreement with the fundamental claim that need is normative. So long as such views hold influence in public arenas, the value of developing and refining needs theory is not solely philosophical.

Developing a strong account of the *kind* of moral claims need makes on us, their relative strength, and whether they are an enforceable matter of justice or a discretionary matter of humanity or beneficence, is potentially illuminating for the application of the concept to public policy and the concrete challenges human society currently faces. Lichtenberg suggests that one reason there is a discrepancy between our belief that it is bad that so many people are in dire need, and our relative inaction in affluent states, is that we associate addressing such need with charity rather than justice.¹³ As she puts it, there is no 'or else': no threat of enforcement of such obligations either in terms of legal consequences or social disapproval. If this is right,

¹⁰ I do not offer Rand as a serious philosophical challenger for needs theory, but rather as an author whose political views have resonated with generations of politicians.

¹¹ Two such elites include the current President and Secretary of State of the United States, Donald Trump and Rex Tillerson, respectively: see Hohmann, 2016. Also see Watkins (2012) on why Rand's ongoing influence may be uniquely American.

¹² See Chapter 3 Section 2.2 where I identify problems with the libertarian distinction between justice and beneficence, and Chapter 6 Sections 3 and 4 where I address libertarian challenges for my view.

¹³ Lichtenberg, 2004, p. 79-81.

demonstrating that such obligations are duties *of justice*, which are amenable to enforcement, is a contribution to giving such obligations teeth.¹⁴

I.ii Need's current role in moral and political theory

In recent years, need has been recovered from a state of “philosophical disrepute,”¹⁵ and subjected to “rehabilitation.”¹⁶ It was considered both too strong and too weak, allowing too many and too few things to be considered ‘needs.’ This challenge of specifying what we mean by need has been tackled by modern needs theorists, who have sought to defend a distinction between needs and wants which addresses this concern.¹⁷

However, much of this focus has been dedicated to responding to challenges of specification, or to understanding the grammar of need. Most modern theorists have their own view on the normativity of need, but these are often cursory, with some claiming that need *just is* intrinsically normative.¹⁸ Others offer views which rely on prior acceptance of contested theoretical underpinnings such as Kantian¹⁹ or utilitarian²⁰ theory – such positions are seemingly incompatible, but no sustained dialogue between theorists has been offered to defend the virtues of one over the other. This is particularly surprising, as need is often taken to be normative in moral and

¹⁴ Following such reasoning, it is the actual development of enforcement mechanisms that will complete this process. Direct policy recommendations will not be the focus of this project, although I gesture towards concordant recommendations in Chapter 6.

¹⁵ Daniels, 1981, p. 149.

¹⁶ Hamilton, 2003, p. 9. Need is now enjoying a resurgence as indicated by a dedicated research colloquium and journal volume in 2005 (each entitled “The Philosophy of Need” and led by the Royal Institute of Philosophy), and several books dedicated to investigating need (Miller, 2012; Dean, 2010; Reader, 2007; Hamilton, 2003).

¹⁷ I address this challenge in Chapter 1, where I provide an account of which needs can properly be said to be morally important. In addition, I argue there that the concept of need is not best thought of as exhausting all moral or political theory – need theory is best suited to a relatively urgent subset of the moral realm, and will therefore not accommodate all moral considerations. In one sense, this amounts to biting the bullet on the charge of acknowledging ‘too few’ needs.

¹⁸ Reader & Brock, 2004.

¹⁹ Miller, 2012, 2005; O’Neill, 1998.

²⁰ Braybrooke, 2005, 1987; Thomson, 2005, 1987.

political philosophical work. Need is not just a feature of everyday language and moral practice, but is also a regular feature in philosophical investigations – for example, in distributive justice theory and bioethics.²¹ It is therefore important that this resurgence of the concept of need, and moral and political theory more generally, be informed by a clearer picture of need's moral normativity.

I.iii Defending a focus on 'need-in-itself'

I will now defend the chosen focus for this project: the moral normativity of need-in-itself, aside from considerations of harm or exploitation.

An account of the moral normativity of need offers us one way of understanding duties which we hold to those in need. For example, it provides one way of approaching responsibilities to take action on global poverty or the refugee crisis. It does so by noting the uncontroversial fact and extent of need, the extent of current capacity to respond to need, and the kind of duties which need gives us to respond. However, other ways of approaching such challenges are available. Rather than focusing on need and the reasons it gives us for action, we might instead focus on 'harm,' for example.²²

Harm-based approaches attempt to establish the more controversial fact that global poverty is harmful, or stems from historical harms, and from this fact reason that we have stringent duties to both stop harming and to make reparation. I describe the empirical claim as 'more controversial' because even when need is extreme and beyond reasonable contestation, this does not necessarily establish that *harm* has taken place. On the most familiar understandings of harm, it is an inherently comparative concept, wherein the victim of harm is made worse off.²³ In practice, this means that

²¹ Horne, 2016; Page, 2011; Hope et al., 2010; Daniels, 2007; Wild, 2005; Grey, 1976.

²² Note that there are other approaches beyond those focused on either need or harm – for example, those focusing on exploitation or unjust power relations (Overland, 2013; Anderson, 1999; Wertheimer, 1996). Each of these views provides one important piece of the puzzle, and any exhaustive account of our obligations to the global poor would be incomplete if it excluded any one source of such obligations. I also consider more closely related views (interests, capabilities, and rights) in Chapter 2.

²³ Roberts, 2015, section 2.4. Perhaps the most influential view of this kind in recent years is Thomas Pogge's (2002).

we must therefore have some way of determining that the victim is worse off than they would have been, worse off than they were before, or worse off by some other comparative measure. In the case of global poverty, this involves empirical claims that are either contestable or speculative.²⁴ Such problems have led some theorists defending stringent duties to consider adopting a non-comparative view of harm.²⁵ However, this too has its challenges, not the least of which is defending the non-comparative view of harm as still meaningfully addressing the same concept which we usually associate with harm (i.e. the comparative concept).

This is not to dismiss harm-based accounts of stringent duties, but rather to point to some of the challenges they face. Need-based accounts of stringent duties simply face different challenges. Harm-based accounts must establish *that* we have harmed those in need (or some subset of them), and *who* precisely we have harmed. This relies on comparatively contested empirical claims, but once this is achieved, it is difficult to deny a moral duty to respond.²⁶ By comparison, need-based accounts rely on comparatively uncontested empirical claims, but face the difficulty of showing that need-in-itself is a reason for action, or face demandingness concerns due to their broader reach. For those who are unconvinced by harm-based accounts, need-based accounts offer an alternative which rests on solid ground, empirically.²⁷ Even for those who *are* moved by harm-based or alternative views, I consider focusing on need-in-itself – that is, need, regardless of whether harm or exploitation or other arguments apply – to be complementary rather than competitive. If the argument for responding to need-in-itself goes through, it provides another way of defending stringent duties.²⁸

²⁴ Pavel, 2014; Hayward, 2008; Risse, 2005.

²⁵ For example: Harman, 2004; Shiffrin, 1999.

²⁶ Comparative harm-based accounts are subject to the non-identity problem, which many theorists have found compelling. A range of responses to the challenge have been offered, so it unlikely to be a decisive factor in the balance between harm and need-based accounts. See: Parfit, 1987, p. 352-379.

²⁷ Lichtenberg, 2004, p. 79.

²⁸ This being said, it is imperative that if we are focusing on need-in-itself, we do not presume that capacity to take action to respond to need is magicked out of thin air, or based solely in our own virtuous hard work. Where capacity to help stems from unjustly allocated

A challenge that might be levelled against such a need-based approach is that it is not sufficiently political.²⁹ This concern comes in two forms: first, by focusing on need-in-itself, aside from questions of harm or exploitation, we risk oversimplifying the complexity of the moral landscape. Second, that focusing on need-in-itself abstracts us from the very spheres in which needs are formed and reified.

On the first reading, the challenge is clear. As I have suggested, a need-based view should be seen as complementary to other accounts of stringent duties, such as those focused on harm. However, if these understandings contribute something valuable to our moral understanding, should they not be included in any view? Here, the first response must be that not every case of someone in need is necessarily a case of someone having been harmed or exploited. If harm and exploitation exhausted the range of human need, it might still have been the case that need-in-itself offered another way of thinking of our moral obligations, but as harm and exploitation do not exhaust the range of human need, there will inevitably be some cases where such accounts fall silent. Further, where there is dispute over empirical premises or disagreement over whether harm or exploitation truly have taken place, if the need-based argument is successful, it specifies obligations we have, regardless of harm and exploitation, which should be honoured even while the arbitration over harm and exploitation continues.

On the second reading, the challenge is somewhat more elusive. Lawrence Hamilton suggests that politics necessarily involves collective choice, whose outcome will inevitably involve some degree of coercion. As we shall see, the view I will defend does ultimately mandate collective choice and action, with morally enforceable demands of justice that will often call for coercion.³⁰ However, a significant difference

historical benefits and harms, such as the rapid progress colonial nations achieved by their use of slave labour, obligations of need must be augmented or supplemented with historical obligations. (On what this might look like, see Berkey (2017) and Thompson (2000).) This is what I mean when I say that the various approaches are complementary.

²⁹ Hamilton, 2003, p. 14-15.

³⁰ See Chapter 3 on the scope of justice as defined by moral enforceability, and Chapter 6 on the necessity of coercion for co-ordinated collective action on the scale required to address

between Hamilton's account and my own, as well as other leading theorists whom he describes as apolitical, is that he does not accept a categorical distinction between needs and wants.³¹ Rather, he develops a typology of need which includes felt needs (that is, needs that are subjectively or intersubjectively experienced by an individual or group) and seeks to tell a story of the causal determinants of such needs. I suggest that these are ultimately two very distinct projects.³² Describing the process of (felt) need generation and reification, and tracing its causal underpinnings, is assuredly political. Nonetheless, this does not preclude the value of inquiry into the moral normativity of objective need. Indeed, even Hamilton includes a category of need, 'vital needs,' which he describes as "general goals in the form of conditions for minimal human functioning."³³ So even on Hamilton's account, there are some minimal objective needs whose existence cannot be accounted for by political processes and whose normativity will require a different kind of explanation.

Relative to the entire field of moral and political theory, my focus is quite narrow. I do not claim that need is the only, or even the most important, source of moral normativity. This means that need claims do not provide a complete picture of moral claims more generally, and morality contains other features. Further, I do not claim that addressing need is sufficient for meeting obligations of justice, even of a minimal

human need. Each of these proposals is grounded on an objective understanding of need as developed in Chapter 1.

³¹ See Chapters 1 and 2 for my own distinction between needs and wants.

³² Similarly, I do not look to Karl Marx and the aphorism "from each according to their abilities, to each according to their needs" when sketching out our need-based obligations in Chapters 5 and 6 (p. 17.). Marx envisioned this principle's implementation in the second phase of communism, once moral and political culture would no longer be coloured by bourgeois principles, and there would be enough material abundance to support not just the most basic, but the higher flourishing needs of all. As such, it aims at a more high-level, comprehensive view of political morality than the basic needs approach I will be concerned with. See Gilabert (2015) for a contemporary reinterpretation of the socialist principle. The Marxian notion of a "species being" (1959, p. 31) has been of more direct influence for my view on non-arbitrary need. However, I avoid developing a substantive account of non-basic need so that any preferred theory will work with my understanding of basic needs: see Chapter 1.

³³ 2003, p. 23. Hamilton maintains that these "are *experienced both* as felt drives and general goals," [emphasis added] but the absence of the subjective experience of need does not change its reality as a condition for minimal human functioning.

sort. This means that even minimal justice requires more than attention to need. However, on the view I defend, the need of others gives us moral reasons to respond and such reasons are best viewed as a matter of justice. Need is not exhaustive of the moral landscape, but it is an important part of it.³⁴

II. Terminology

The lexicon of need has been of particular interest to theorists, with distinctions and associated definitions often demarcating subtle differences with significant consequences for the resultant theory.³⁵ I will comment now on the *grammar* of need and the differences in tone and focus between ‘need,’ ‘needs,’ and ‘needing.’

Contemporary moral and political philosophical accounts of need tend to approach it from the vantage point of ‘needs.’ *Needs* are seen here as necessary conditions to morally important ends. This tends to focus attention on the things that satisfy needs – such as hydration or shelter – and to offering lists of needs (for example, health needs) and need-satisfiers. Perhaps the most famous treatment of needs is psychologist Abraham Maslow’s hierarchy of needs, wherein needs are seen as drives or motivational forces.³⁶ The hierarchical structure is intended to indicate the usual chronology of human motivation, with people moving from physiological needs, safety needs, belongingness and love needs, and esteem needs, ultimately to the need for self-actualisation, in that order, as each prior need is met.³⁷ Although Maslow’s theory is subject to challenges on its own merit, the primary reason it is unsuited to the inquiry at hand is that it is, as the title of his seminal paper indicates, “a theory of

³⁴ See Chapter 2 on how need is related to nearby concepts such as capabilities and rights.

³⁵ For example, ‘vital needs’ often represent a more circumscribed domain of interest focused on biological necessities for survival, whereas ‘basic needs’ are defined more variously, with some limiting them along the lines of vital needs, and others including a wide range of higher-level critical thinking and liberationist capacities (on the latter, see Doyal & Gough, 1991, p. 187-190). In Chapter 1, I arbitrate between some of the leading philosophical distinctions.

³⁶ Maslow, 1943.

³⁷ Mathes, 1981.

human motivation.”³⁸ Maslow’s hierarchy is a theory not of what people *should* be motivated to do, or the needs which we should consider morally important, but of what people are *actually* motivated by. Henceforth, I will exclusively refer to needs in terms of necessary conditions.

In comparison to ‘needs,’ ‘need’ is more commonly used to indicate something more abstract. For example, *need* might be contrasted against desert, reciprocity, or other distributive norms, and in this context it stands for entitlement grounded in relatively ahistorical considerations, such as current (or potential) well-being.

By focusing on *needing*, we shift attention to the entity which is in need, as there is some thing or someone doing the needing. Needing speaks to the more phenomenological experience of need, as it denotes “a state or condition of dependency.”³⁹ Being *in need* is often associated with a sense of lack, as with a person who is hungry and in need of sustenance, but lacks food. However, this association is potentially misleading; we are quite capable of needing that which we currently have, and needs (unlike wants) do not disappear entirely when they are met.⁴⁰ Even after the hungry person obtains food, they continue to need sustenance. It is perhaps more helpful to think of the hungry person as having an occurrent need, or a need which is presently unmet.⁴¹ This still amounts to a lack, but it makes clear that only when we are in occurrent need is need necessarily associated with a lack. This distinction is important as it brings to the fore the recognition that when we speak of needing beings, in an important sense this includes all human beings and not only those whose needs are chronically unmet. Those with the means to meet their needs are still ‘needy,’ or needing beings. Those who find themselves currently without (or systematically deprived of) said means are no more inherently needy than anyone else, but are in a state of *occurrent need*. It is this occurrent need which has such weight and moral pull.

³⁸ Maslow, 1943.

³⁹ Wiggins & Dermen, 1987, p. 63.

⁴⁰ Hamilton, 2003, p. 52.

⁴¹ Reader, 2007, p. 71.

This allusion to the needy presents an opportunity to pause and consider the language used to refer to people with unmet needs. I will, at times, reflect on the implications of my theory of need's moral normativity for global challenges such as systemic poverty. Addressing such topics requires that I describe individuals and groups who are in urgent and serious need, and those with the capacity to act to respond to that need. Further, it will at times require that I refer to geographic regions or states where people are facing comparatively urgent or serious levels of need, and regions or states where the situation is comparatively less dire. It behoves any theorist faced with such a task to be reflective about their choice of language in this domain, as both a moral requirement of the dignity due to those whose lives and circumstances we cannot presume to understand, and as a pedagogical virtue, given that the language we use to refer to subjects and situations shapes our understanding of them.

I have chosen to favour 'in need' over 'the needy,' as there are particularly undesirable connotations of victimhood and condescending pity associated with speaking of the needy. For this reason, I also avoid using the term 'victim' unless I am describing a situation in which someone has an obvious claim or entitlement, and where it is important to stress the sense of injustice. At times, when I refer not immediately to need but to a person or group's dire financial or material position, I use the term 'poor' or 'global poor.' These terms are problematic for similar reasons to the term 'needy,' but I have not found a better way to refer to such a financial or material position. When I refer to a person or group's comparative position, I use terms such as 'the affluent,' 'the worst-off,' or refer to those with capacity to take responsive action.

When referring to regions or states, I use various terms such as 'wealthy/poor' and 'developing/developed.' These terms are necessarily imprecise and mask differences in the dimensions of wealth and development. However, as I observed at the individual or group-level, I have not found a better way to refer to these important differences between regions and states.

III. Methodology

I will now offer a brief comment on the methodology I employ in conducting this inquiry: analytic philosophy.⁴²

I take it that the aim of such inquiry is “providing [a] better understanding of the requirements of morality.”⁴³ My approach to this task is fairly problem-focused. It begins with the perception of a problem, challenge, or puzzle: in this case, an influential line of thought challenges the notion of need’s normativity, particularly for non-compatriots. This runs counter to the deep-seated intuitions of many (including myself), and also stands in contrast to the reality that people *are* motivated by need when making or justifying moral and political decisions.⁴⁴ In order to investigate the *grounds* of need’s intuitive and observed normativity in moral practice, I begin by examining the arguments others have offered, both for and against. Do these arguments require us to abandon other moral principles which we are comparatively confident in? Do they have undesirable outcomes when taken to their logical conclusions? Do they adhere with nearby intuitions, and provide a meaningful measure of action guidance? By means of this kind of investigation, we come to better understand the problem we first outlined, and we put ourselves in a position to offer the strongest argument possible, as it will be one that has the opportunity to learn from the virtues and pitfalls of foregoing accounts.

In taking this approach I, like those before me, stand on the shoulders of foregoing theorists. It is therefore important that any technical or specialist terminology is used consistently, or is flagged as departing from previous approaches. This is particularly important in a field with such a plethora of distinctions as needs theory, where it might

⁴² I do not offer a full defence or description of this methodology, but I consider that Daniel McDermott (2008) offers a promising defence in his “Analytical Political Philosophy,” and Christian List and Laura Valentini’s (2016) “Methodology of Political Theory” offers a helpful breakdown of the methods, limits, and challenges of (analytical, normative) political theory.

⁴³ McDermott, 2008, p. 13.

⁴⁴ See Chapter 5 Section 2 for examples of need’s normativity in practice.

be easy for theorists to unknowingly be talking past each other. It would be unhelpful to talk about need's normativity before considering what I and others have meant by need, and how need relates to nearby concepts (Chapters 1-2).⁴⁵ Similarly, before defending an account of need-based duties of justice, I must establish what I take it to mean for a duty to be a duty *of justice* (Chapter 3). This being said, the regress of explanation and defence should not be infinite. Like any specialised field, analytical moral and political theory⁴⁶ benefits from a division of labour. Most obviously, it relies on meta-ethical presumptions such as whether there are any moral facts, but it also relies on epistemological and meta-philosophical assumptions about how we should think, learn, and reason.⁴⁷

This approach also appeals to intuitions – not as a form of reified moral knowledge, but rather as one possible way of testing the arguments we make, questioning how they would adhere or conflict with nearby intuitions.⁴⁸ One way of triggering and sharpening such intuitions is the thought experiment, wherein we can isolate and adjust the contextual factors of a given situation to test the contours of our intuitions. This process may lead us to abandon some of our intuitions, or to adjust our moral arguments or principles. Such investigation is iterative, and although I offer here a fixed snapshot of this project, the very practice of academic analytic philosophy (and indeed academic research more generally) is in some ways a macrocosm of such an approach.

Another tool I make use of, and one that is perhaps not as regularly in use in analytic moral theory, is empirical evidence. Use of up-to-date statistics to understand the

⁴⁵ List & Valentini, 2016, p. 9.

⁴⁶ I take the terms moral or political ‘theory’ and moral or political ‘philosophy’ to be interchangeable.

⁴⁷ McDermott, 2008, p. 16. It is likely that the assumptions involved in this division of labour are sometimes the source of first-order normative disagreements, and my defence of this division of labour should not be taken to suggest that examining the relation between first-order normative theory and meta-ethics, epistemology, or other branches of philosophy is never worthwhile or illuminating.

⁴⁸ List & Valentini, 2016, p. 8.

moral and political problems which applied theory faces is relatively uncontroversial, and in places I do this to get a sense of the extent of human need as it stands today.⁴⁹ However, I also engage with social psychological research at times, in order to understand and address challenges of psychological plausibility. If the very idea of need being normative across borders, for example, is deemed by its detractors to be too psychologically challenging or implausible, one way of defending against this charge is to demonstrate that people do (and therefore, can) sometimes take need to be normative in this way, in practice. Even here, we must be wary not to interpret the bounds of the possible in line with current practice, but empirical evidence does offer one possible strategy in such cases.⁵⁰ Further, moral and social psychology can guide our strategies to organise, cooperate, and structure challenges so that we can meet moral demands in ways that are both effective and relatively psychologically comfortable. If such synergy is successful, it may help to allay concerns about demandingness.⁵¹

IV. Thesis Summary

Having set up the motivation and the aim of the project, and commented on the language and methodology used, I will now summarise the structure of the thesis.

I begin my account by considering the kind of need relevant to the project. Chapter 1 builds from an understanding of need as a three-place relation ('X needs Y in order to Z'), which is "by its nature needing for a purpose."⁵² I distinguish needs from wants, suggesting that morally important needs are those which aim at the objective interests that all people have, in virtue of what is good for each of us *qua* human beings ('non-

⁴⁹ This will necessarily be fallible and approximate information, due to the challenges and limitations of data collection and analysis of this kind. However, if we use the best information available to us, it is far better to use fallible and approximate information than it is to proceed on presumption.

⁵⁰ List & Valentini, 2016, p. 2.

⁵¹ Importantly, empirical evidence is not used to dictate that what people *actually* do or think is what they *should* do or think.

⁵² Wiggins, 1987, p. 7.

arbitrary needs'). Further, I distinguish the existentially urgent subset of those non-arbitrary needs as 'basic needs.'

Given this understanding, Chapter 2 considers how basic needs theory relates to its conceptual neighbours, with particular attention to capabilities. I judge that the theories developed by Martha Nussbaum (capabilities) and Len Doyal and Ian Gough (needs) benefit from a complementary reading, with each supplementing the other where challenges or conceptual gaps are apparent. However, this mutual reliance is a contingent feature of those two particular theories, and I draw from Amartya Sen's early writings on capabilities and my own needs theory to ultimately see needs and capabilities as two sides of the same coin. Each offers a distinctive perspective and focus for well-being and entitlement. This helps to situate needs theory in relation to a mainstream branch of justice theory more generally, and indicates that we can recognise the special significance of needs without eschewing other morally important categories. I also comment on the relation between needs and wants, interests, and rights. I argue that needs are not irreducible, but that they play an important role in moral and political theory. Need is a concept we should not do without.

I then move, in Chapter 3, to establish a scope of justice that allows us to distinguish between duties of justice and other moral duties. If we think that duties of beneficence are weak and optional, whereas duties of justice are binding and enforceable, a great deal rides on how we characterise our duties to the global poor. After considering some of the prevalent views on this distinction, I offer a 'moral enforceability' account, claiming that duties of justice are those which are, in principle, morally enforceable.

Returning to need, I then ask how and in what way another's need comes to give me a moral reason for action. Chapter 4 canvases a range of existing views from within needs theory, many of which furnish important insights. However, each suffers from significant challenges, and several rely on contested theoretical frameworks (such as acceptance of a Kantian or utilitarian moral theory), leaving them unsatisfying. In Chapter 5, I propose that it is the morally relevant capacities of the being in need which gives them moral status such that their needing is morally significant. We are morally required to answer this need with responsiveness, as a demonstration of appropriate respect for the sort of being that the human in need is. The human condition is seen to

be inherently vulnerable, and an account of what it means to be responsive to need (versus to meet need) is developed. If this is right, we are morally required to be responsive to need, even if we are not always required to reduce it.

Finally, Chapter 6 brings the diverse strands of the foregoing argument together to return to the relationship between need and justice. I reflect on what a duty of responsiveness might amount to in practice, and suggest that our duties of responsiveness are best thought of as collective duties, grounded in the capacity of the global well-off to contribute. Further, I argue that duties of responsiveness are indeed a matter of justice, as they are the sort of duties that are, in principle, morally enforceable. A wide range of threats to the necessary conditions for human flourishing, and even human life, are on the horizon, and many of these are uniquely collective challenges. The seriousness of these challenges, and the extent to which we have treated our responsibilities to those in need as discretionary in the past, means collective action and problem solving are called for when there are no easy answers.

If this argument is successful, we have morally enforceable duties of responsiveness to those in need, on the grounds of their morally relevant capacities, and our shared human vulnerability. In the Conclusion, I comment on some of the ways that this account might be extended or applied, and on its relevance and importance for current global challenges.

References

- Anderson, E. S. (1999). "What is the point of equality?" *Ethics*, 109(2), 287-337.
- Berkey, B. (2017). "Benefiting from unjust acts and benefiting from injustice: Historical emissions and the Beneficiary Pays Principle." In L. H. Meyer & P. Sanklecha (eds.), *Climate Justice and Historical Emissions* (pp. 123-140). Cambridge: Cambridge University Press.
- Braybrooke, D. (2005). "Where does the moral force of the concept of needs reside and when?" *Royal Institute of Philosophy Supplement*, 80(57), 209-228.
- Braybrooke, D. (1987). *Meeting Needs*. Princeton: Princeton University Press.
- Chaloner, E. (2013, 6 Feb). NHS and the shrinking definition of medical need. *Huffington Post Blog*. Retrieved from:

http://www.huffingtonpost.co.uk/eddie-chaloner/nhs-and-the-shrinking-definition-medical-need_b_2629296.html.

- Daniels, N. (2007). *Just Health: Meeting Health Needs Fairly*. New York: Cambridge University Press.
- Daniels, N. (1981). "Health-Care Needs and Distributive Justice." *Philosophy & Public Affairs*, 10(2), 146-179.
- Dean, H. (2010). *Understanding Human Need*. Bristol: Policy Press.
- Decew, J. (1985). "Review: Basic Rights: Subsistence, Affluence, and U.S. Foreign Policy." *Law & Philosophy*, 4(1), 125-140.
- Doyal, L., & Gough, I. (1991). *A Theory of Human Need*. Basingstoke: Macmillan Press.
- Elazar, M. (2003). "Meeting basic needs: Reciprocity in distributive justice." (January 1), *Dissertations from ProQuest*. Paper AAI3087394.
- Gilbert, P. (2015). "The socialist principle 'from each according to their abilities, to each according to their needs.'" *Journal of Social Philosophy*, 46(2), 197-225.
- Grey, T. C. (1976). "Property and need: The welfare state and theories of distributive justice." *Stanford Law Review*, 28(5), 877-902.
- Hamilton, L. A. (2003). *The Political Philosophy of Needs*. Cambridge: Cambridge University Press.
- Harman, E. (2004). "Can we harm and benefit in creating?" *Philosophical Perspectives*, 18(1), 89-113.
- Hayward, T. (2008). "On the nature of our debt to the global poor." *Journal of Social Philosophy*, 39(1), 1-19.
- Hohmann, J. (2016, 13 Dec). The Daily 202: Ayn Rand-acolyte Donald Trump stacks his cabinet with fellow objectivists. *Washington Post* [Online]. Retrieved from: https://www.washingtonpost.com/news/powerpost/paloma/daily-202/2016/12/13/daily-202-ayn-rand-acolyte-donald-trump-stacks-his-cabinet-with-fellow-objectivists/584f5cdfe9b69b36fcfeaf3b/?utm_term=.244a3aa75c8e.
- Hope, T., Osterdal, L. P., & Hasman A. (2010). "An inquiry into the principles of needs-based allocation of health care." *Bioethics*, 24(9), 470-480.
- Horne, L. C. (2016). "Medical need, equality, and uncertainty." *Bioethics*, 30(8), 588-596.
- Howden, D., & Fotiadis, A. (2017, 9 Mar). Where did the money go? How Greece fumbled the refugee crisis. *The Guardian* [Online]. Retrieved from: <https://www.theguardian.com/world/2017/mar/09/how-greece-fumbled-refugee-crisis>.
- Lichtenberg, J. (2013). *Distant Strangers: Ethics, Psychology, and Global Poverty*. New York: Cambridge University Press.

- Lichtenberg, J. (2004). "Absence and the unfond heart: Why people are less giving than they might be." In D. K. Chatterjee (ed.), *The Ethics of Assistance: Morality and the Distant Needy* (pp. 75-98). Cambridge: Cambridge University Press.
- List, C., & Valentini, L. (2016). "The methodology of political theory." In H. Cappelen, T. S. Gendler, & J. Hawthorne (eds.), *Oxford Handbook of Philosophical Methodology* (pp. 525-553). Oxford: Oxford University Press.
- Marx, K. (1972). *Critique of the Gotha Programme*. Peking: Foreign Languages Press. Retrieved from: <https://ia800301.us.archive.org/30/items/CritiqueOfTheGothaProgramme/cgp.pdf>.
- Marx, K. (1959). *Economic and Philosophic Manuscripts of 1844* (M. Mulligan, trans.). Moscow: Progress Publishers. Retrieved from: <https://www.marxists.org/archive/marx/works/download/pdf/Economic-Philosophic-Manuscripts-1844.pdf>.
- Maslow, A. H. (1943). "A theory of human motivation." *Psychological Review*, 50(4), 370-396.
- Mathes, E. W. (1981). "Maslow's hierarchy of needs as a guide for living." *Journal of Humanistic Psychology*, 21(4), 69-72.
- McDermott, D. (2008). "Analytical political philosophy." In D. Leopold & M. Stears (eds.) *Political Theory: Methods and Approaches* (pp. 11-28). Oxford: Oxford University Press.
- Miller, S. C. (2012). *The Ethics of Need: Agency, Dignity, and Obligation*. New York: Routledge.
- Miller, S. C. (2005). "Need, care, and obligation." *Royal Institute of Philosophy Supplement*, 80(57), 137-160.
- National Health Service [NHS] Ambulance Services (2015). *Urgent and emergency care services in England*. Retrieved from: <http://www.nhs.uk/NHSEngland/AboutNHSservices/Emergencyandurgentcareservices/Pages/Ambulanceservices.aspx>.
- O'Neill, O. (1998). "Rights, obligations, and needs." In G. Brock (ed.), *Necessary Goods: Our Responsibilities to Meet Others' Needs* (pp. 95-112). Lanham, MD: Rowman & Littlefield.
- Overland, G. (2013). "Pogge on poverty: Contribution or exploitation?" *Journal of Applied Philosophy*, 30(4), 319-333.
- Page, E. (2011). "Climatic justice and the fair distribution of atmospheric burdens: A conjunctive account." *The Monist*, 94(3), 412-432.
- Parfit, D. (1987). *Reasons and Persons* (Corrected edition). Oxford: Clarendon Press.
- Parry, T. (2017, 9 Mar). The forgotten famine: 6.2m in desperate need of aid in Somalia where graves stand ready for next starved child. *Mirror News*

- [Online]. Retrieved from: <http://www.mirror.co.uk/news/world-news/worlds-forgotten-famine-62million-people-10000038>.
- Pavel, C. (2014). "Negative duties, the WTO and the harm argument." *Political Studies*, 63(2), 449-465.
- Pogge, T. (2002). *World Poverty and Human Rights*. Cambridge: Polity Press.
- Rand, A. (1996). *Atlas Shrugged*. New York: New American Library.
- Reader, S. & Brock, G. (2004). "Needs, moral demands, and moral theory." *Utilitas*, 16(3), 251-266.
- Reader, S. (2007). *Needs and Moral Necessity*. London & New York: Routledge.
- Risse, M. (2005). "How does the global order harm the poor?" *Philosophy & Public Affairs*, 33(4), 349-376.
- Roberts, M. A. (2015). "The nonidentity problem." *Stanford Encyclopedia of Philosophy* (Winter 2015 edition), E. N. Zalta (ed.). Retrieved from: <https://plato.stanford.edu/entries/nonidentity-problem/>.
- Shiffrin, S. V. (1999). "Wrongful life, procreative responsibility, and the significance of harm." *Legal Theory*, 5(2), 117-148.
- Shue, H. (1980). *Basic Rights: Subsistence, Affluence, and U.S. Foreign Policy*. Princeton: Princeton University Press.
- Thomson, G. (2005). "Fundamental needs." *Royal Institute of Philosophy Supplement*, 80(57), 175-186.
- Thomson, G. (1987). *Needs*. London & New York: Routledge & Kegan Paul.
- Thompson, J. (2000). "Historical obligations." *Australasian Journal of Philosophy*, 78(3), 334-345.
- United Nations [UN] News Centre (2016, 24 Oct). *After hurricane, UN assessment finds 800,000 Haitians in dire need of immediate food assistance*. Retrieved from: <http://www.un.org/apps/news/story.asp?NewsID=55381#.WMKXpRLyhE4>.
- Watkins, D. (2012, 17 Aug). Ayn Rand's *Atlas Shrugged*: A paean to American liberty. *The Guardian* [Online]. Retrieved from: <https://www.theguardian.com/commentisfree/2012/aug/17/ayn-rand-atlas-shrugged-paeon-american-liberty>.
- Wertheimer, A. (1996). *Exploitation*. Princeton: Princeton University Press.
- Wiggins, D. & Dermen, S. (1987). "Needs, need, needing." *Journal of Medical Ethics*, 13(2), 62-68.
- Wiggins, D. (1987). *Needs, Values, Truth: Essays in the Philosophy of Value*. Oxford: Basil Blackwell.
- Wild, C. (2005). "Ethics of resource allocation." *Poiesis & Praxis*, 3(4), 296-309.

Chapter 1: Needs and Their Ends

1. Introduction

A wide range of binary distinctions have been applied to the concept of need, in order to better understand what are perceived to be different kinds of need, or to determine when need is morally important.⁵³ The most important of these distinctions is that between needs and wants, or desires – it distinguishes the need theorist from the desire satisfaction theorist, and produces significantly different grounds of moral importance.

In this chapter, I seek to clarify what I mean by need. I begin by considering the standard account of need and its components: the three-part relation, ‘X needs Y in order to Z.’ In recent years, this previously uncontentious view has come under scrutiny. I will argue that the standard account survives this scrutiny, albeit with a minor adjustment for linguistic clarity.

I then address the challenge of providing an account of morally important needs which distinguishes them from wants. I consider two leading views: David Wiggins’ unforsakeable, quasi-categorical needs,⁵⁴ and Soran Reader and Gillian Brock’s non-contingent need.⁵⁵ I suggest that both views employ language which, at times, implies a degree of mind-dependence which is undesirable, and probably unintentional. In their stead, I provide an account of morally important non-arbitrary need, grounded in objective interests that all people have in virtue of what is good for each of us *qua* human beings. Further, I distinguish an existentially urgent subset of such needs, which I define as basic needs, using Henry Shue’s understanding of basic rights.⁵⁶ Here I defend my decision not to include a list of basic needs; however, I gesture toward some likely candidates, and defend the inclusion of one less obvious candidate

⁵³ Hartley Dean identifies 17 binaries, including: absolute/relative, objective/subjective, basic/higher, positive/negative, intrinsic/procedural, and true/false (2010).

⁵⁴ 2005, p. 29-31; 1987, p. 7-13.

⁵⁵ Reader & Brock, 2004.

⁵⁶ Shue, 1980.

(social inclusion). I also address two potential challenges for the view: epistemic elitism, and the relativity of even basic need.

Finally, I turn to a more general challenge for the need theorist: the problem of scope. It has been suggested that even the most compelling understandings of need will only get us so far.⁵⁷ While our most urgent biological needs are perhaps the most intuitively powerful, these cannot be elaborated enough to give us a full complement of human rights or a theory of justice. I will accept this view, and defend a picture of need on which they are highly important to moral and political theory, but not exhaustive of the realm of morality or justice.

2. The Standard Account

Most prominent analytical need theorists agree on a three-part understanding of need claims.⁵⁸ On this understanding, need is “by its nature needing *for a purpose*.”⁵⁹

X needs Y in order to Z.

(Where X represents an entity – in this context, a human being – and Y represents a necessary condition to the end Z obtaining.)⁶⁰

This means that whenever the word ‘need’ is appropriately used, we should be able to identify three things: the entity that needs, the necessary condition to the need being satisfied, and the end that the need is directed towards. The end (or Z-term) of a need may be implicit, as in ‘I need a break,’ but the suppressed term can be gleaned from the context (perhaps ‘in order to maintain my sanity’), or otherwise determined through questioning or consideration. An everyday example might be:

I need to take the train to get to the airport.

⁵⁷ Schuppert, 2011.

⁵⁸ This three-part relation bears notable similarities to Gerald MacCallum’s characterisation of freedom (1967, p. 314).

⁵⁹ Wiggins, 1987, p. 7 [emphasis added].

⁶⁰ Thomson, 2005, p. 177; Brock, 1998, p. 1; Doyal & Gough, 1991, p. 39.

Here, need identifies a necessary condition for obtaining a goal or fulfilling a desire, namely the desire to get to the airport. Wiggins formalizes this kind of need claim as:

“Necessarily [as of now, in present circumstances], unless I take the train, I will not get to the airport.”⁶¹

Notice that, on this understanding, there is at least one sense in which all need claims are instrumental. That is: they are all *directed towards an end obtaining*, and even where no such end is explicitly stated, it would not be incoherent to ask ‘for what?’

However, this three-part understanding of need has recently been subjected to increased scrutiny,⁶² and I will now consider two challenges: that it is ambiguous between instrumental and absolute need, and that it is less instructive than an alternative.⁶³ Ultimately, I adjust the language of the relation slightly for clarity, but otherwise argue that it escapes these challenges unscathed.

2.1 Instrumental versus absolute need

I suggested above that there is at least one sense in which all needs are instrumental: they are all directed, or for a purpose. However, Stephen McLeod has challenged this view, arguing that on the best way of understanding need, some needs are absolute.

Instrumentalism: all needs are instrumental

Absolutism: there are both instrumental and absolute needs, with neither being a species of, or reducible to, the other⁶⁴

⁶¹ Wiggins, 2005, p. 29-30.

⁶² Fletcher, Forthcoming 2018; McLeod, 2015; Hamilton, 2003.

⁶³ I will not respond to Lawrence Hamilton’s critique of the three-part relation of need (2003). His critique is aimed more broadly at what he describes as the rights-preferences couple (the predominant political framework for contemporary politics, on which rights set a legal structure, within which preferences are given free reign), and he does not accept a strong distinction between needs and wants. Further, Hamilton is interested in not only the normative, but the *causal* properties of needs. As I suggested in the Introduction Section I, his goals for needs theory are quite distinct from my own and those of the other theorists I entertain here.

⁶⁴ McLeod, 2015, p. 4 [original emphasis removed].

He claims that those who defend an instrumentalist view of need are faced with a dilemma: either they are committed to the view that needs are ontologically dependent on the existence of a mind, or their view collapses into that of the absolutist.

One possible reason for McLeod thinking that instrumentalists face this dilemma might be the very real ambiguity in the language of needs theorists. The range of binary distinctions advocated at times masks agreement, and at other times sharp difference. He identifies some theorists as instrumentalists, and it is true that such theorists *also* often use language suggesting their view of need is mind-dependent.⁶⁵ For example:

“Needs are means to ends: a subject always needs something for some purpose.”⁶⁶

“If there is no goal to have a need for,” then there is “no need.”⁶⁷

However, I suggest that the mind-dependent view of need and the instrumentalist view of need are in fact distinct, and the instrumentalist is not committed to mind-dependence.

Crucially, McLeod allows that “the contention that everything that is needed is needed *for* something is consistent with absolutism.”⁶⁸ Further, “absolutism does not deny that all needs are related to *outcomes*.”⁶⁹ What he contends is not consistent with absolutism is that needs are dependent on ends, goals, or purposes. He considers that ends, goals, or purposes characteristically belong to agents, and so the instrumentalist, who he takes to be committed to needs directed towards ends, goals, or purposes, is committed to needs being dependent for their very existence on their being the end, goal, or purpose *of an agent*. However, I have referred to ‘needing for a purpose’ or need ‘directed towards an end’ in the sense of need that is directed *towards an end state*. When need is used in this way, it is still instrumental in the sense that it is

⁶⁵ As we shall see in the following section, language implying mind-dependence will complicate our understanding of morally important needs as well.

⁶⁶ Plant, Lesser, & Taylor-Gooby, 1980, p. 244.

⁶⁷ Liss, 1993, p. 45.

⁶⁸ 2015, p. 11 [emphasis original].

⁶⁹ 2015, p. 6-7 [emphasis original].

directed, and we can always ask what a need aims towards, but it is not mind-dependent. For example, on this view it is not incoherent to say:

This car needs oil.

A car cannot have a goal of its own, but this need is implicitly directed, perhaps, to the end state of the car running smoothly. On McLeod's understanding of instrumentalism, my account has collapsed into absolutism, but notice that the sense in which I suggested all need is instrumental has not changed.⁷⁰

I judge that McLeod's challenge is a response to ambiguous language used by needs theorists which seems to imply mind-dependence, but is not genuinely intended to do so. I therefore endorse adjusting the language of the three-part relation for clarity:

X needs Y in order *that* Z.

On this version of the relation, it is, I hope, clear that Z refers to an end state that is mind-independent, and that the need is instrumental to the obtaining of that end state.

2.2 Standards of necessity versus end states

Having addressed a concern that the standard account is ambiguous as to its mind-dependence, I now address the concern that it is ambiguous as to the standard of necessity it employs.

Guy Fletcher argues that, although the three-part relation is coherent, it fails to distinguish between the range of standards of necessity a need claim might implicitly refer to.⁷¹ He suggests that instead, we should understand need claims as modal claims "about what is true in all worlds in which some kind of necessity is adhered to and some state of affairs obtains."⁷² For example:

⁷⁰ McLeod's understanding of the instrumental/absolute distinction might be closer to my understanding of the objective/subjective distinction identified in Section 3.3.

⁷¹ Forthcoming 2018.

⁷² Forthcoming 2018, p. 13-14.

(a) Blatter needs to be punished.

(b) Blatter needs a corkscrew to open that wine.

Each can be analysed in terms of ‘X needs Y in order that Z,’ but this will not illuminate the kind of necessity involved in each. If, instead, we attend to the modality of the claim, we discover that in this example, (a) is a claim of *moral* necessity, whereas (b) is a claim of *instrumental* necessity.

In one sense, Fletcher is right: his modal analysis focuses attention on quite what we mean by ‘necessity,’ and the reality that in both ordinary and philosophical usage, need claims employ a range of standards including instrumental, moral, and prudential necessity. However, I suggest that it is a mistake to think that this illuminates the substantive concerns that moral and political philosophers have been preoccupied with. Rather, debate tends to have focused on the Z-term, or the state of affairs. Drawing attention to the standard of necessity is enlightening as an analysis of what a particular claim means by ‘needs to,’ for example, but it is silent as to the *grounds* of the need claim’s moral importance (if any): the state of affairs it is directed towards. Although Fletcher’s modal analysis of need is insightful, it is best seen as complementary to the standard three-place account.

In the next section, I shift attention to the grounds of need claims, and question when needs are morally important, and distinct from wants.

3. Morally Important Needs⁷³

In the previous section, I defended an (in at least one sense) instrumental understanding of need claims, of the structure ‘X needs Y in order that Z.’ However, any coherent need claim may be formulated such that it fits this three-part relation, so we have not yet identified any category or type of need which is morally important. Needing to take the train to get to the airport looks like a different kind of need to

⁷³ I have adopted this phrasing from Reader and Brock’s subtitle “The concept of a morally important need” (2005, p. 252).

needing food and water in order to survive, although at first glance they appear to have a similar structure. To make sense of this distinction, theorists generally focus on providing a universally valuable end that our morally important needs are directed towards. The candidates for such ends include: life (or survival), avoidance of (serious) harm, agency, and flourishing.

Before considering proposals, it is worth reflecting on what features we might hope the candidates will offer. For example, needs are often taken to denote a uniquely urgent or serious subset of moral concerns. Schuppert suggests that an important desideratum for any theory of morally important need should be that it can make sense of the *existential urgency* that makes needs so morally compelling: “basic needs are absolutely necessary, not only for achieving an end [Z], but also for [X], the needing being, as such, existentially.”⁷⁴

In addition, I propose that any candidate should ideally offer a view of morally important need that is as linguistically precise as possible. This is a pragmatic rather than a substantive concern, but it stems from the suspicion that imprecision has been at the root of much seeming disagreement between needs theorists.⁷⁵ Therefore, it is desirable that the terms we use to describe morally important need be as clear as possible, and not employed in an obscure technical sense which clouds their meaning.

I now canvas two leading treatments of morally important need, before offering my own.

3.1 Quasi-categorical needs and unforsakeable ends

Wiggins offers an influential view of morally important need that employs a loosely Kantian view of categorical needs, which aim at unforsakeable ends. He understands ‘avoidance of serious harm’ to be the most suited to needs talk and the role of need claims in moral philosophy. Using the example of ‘I need £200 to buy that suit,’ he

⁷⁴ Schuppert, 2011, p. 5.

⁷⁵ An example of such disagreement is McLeod’s challenge in Section 2.1.

suggests that for a need claim like this to be morally important, we must demonstrate that I “*cannot get on without that suit, that [my] life will be blighted without it, or some such.*”⁷⁶

Elizabeth Anscombe’s “Modern moral philosophy”⁷⁷ plays a key role in Wiggins’ treatment of morally important need. Although her paper also has broader aspirations, Wiggins employs her reasoning to argue that some types of needs are not simply instrumental, but more “serious, [and] putatively quasi-categorical”⁷⁸:

“To say that [an animate creature] needs [such and such] environment is not to say, for example, that you want it to have that environment, but that it won’t flourish unless it has it.”⁷⁹

Adding to instrumental needs, if something is necessary to an “indispensable or unforsakeable” end, Wiggins contends we arrive at a quasi-categorical need of the following structure:

“Necessarily at t (if x (which is unforsakeable) is to be, then ...)”⁸⁰

It is worth pausing to consider what Wiggins means by quasi-categorical. He shifts between the qualified “quasi” and full “categorical” in his 2005 paper, and in his earlier book on the topic he sticks to an “absolute [and] categorical”⁸¹ characterization. In a footnote in his 2005 paper he explains that he means “categorical in a sense that contrasts with hypothetical.”⁸² Of further confusion is a later footnote where he refers to the “quasi-Kantian sense [of] hypothetical” and the “quasi-Kantian sense [of] categorical.”⁸³ I am unsure what quasi- would mean in this context, aside from a blurry

⁷⁶ Wiggins, 1998, p. 9 [emphasis original].

⁷⁷ Anscombe, 1958.

⁷⁸ Wiggins, 2005, p. 29.

⁷⁹ Wiggins, 2005, p. 29; Anscombe, 1958, p. 6.

⁸⁰ Wiggins, 2005, p. 30.

⁸¹ Wiggins, 1987, p. 10.

⁸² Wiggins, 2005, footnote 6.

⁸³ Wiggins, 2005, footnote 9.

version of the stricter Kantian terminology. Accordingly, I will hesitantly interpret Wiggins on a standard Kantian understanding of the terms.

Briefly, hypothetical imperatives tell us what to do to achieve some particular goal, much like instrumental needs capture what is necessary to meet some particular goal. Recall the above example about taking the train to get to the airport: if I do not want to get to the airport, I do not need to take the train. In this example, the imperative rests on your desire or preference to get to the airport. Categorical imperatives, on the other hand, apply to us irrespective of our desires. For example, whether or not you want to be honest, you must not lie.

“Unlike ‘desire’ or ‘want’ then, ‘need’ is not evidently an intentional verb. What I need depends not on thought or the workings of my mind (or not only on these) but on the way the world is.”⁸⁴

In the Kantian sense, such imperatives are necessary for rationality: no matter what your desires, violating such imperatives is irrational. A categorical need, then, is a need that has normative force irrespective of your desire.

The picture is further complicated by Wiggins’ explication of categorical needs. For him, categorical needs are those which are instrumental to an unforsakeable end. Unforsakeable carries an empirical connotation – it sounds like a factual question whether or not there are some things we cannot forsake, which it seems will depend heavily on the workings of the mind.

Perhaps an example will help illustrate this point. Let us take the simplest candidate for a universally valuable end grounding all morally important needs: ‘survival.’ What would it mean for survival to be unforsakeable? I suspect we need to say at least that, as a matter of fact, no one has forsaken survival as an end. (If people have forsaken it, it is forsakeable.) We might further be committed to saying that it is conceptually unforsakeable. And yet, martyrdom and suicide seem to be two cases where people

⁸⁴ Wiggins, 1987, p. 7.

have, as a matter of fact, forsaken survival as an end. How can Wiggins respond to this counterexample?

One answer might be to admit that survival has in fact been forsaken, but add that it was forsaken for some other unforsakeable end. This fits particularly nicely in the case of martyrs, who have died for some other valuable end such as religious freedom. If this allows all unforsakeable ends to be forsaken for other unforsakeable ends, using the word 'unforsakeable' is no longer appropriate. Instead, we may end up saying that if survival has been forsaken, it must not be (one of) the truly unforsakeable end(s). If counterexamples like suicide appear likely for the other prevailing candidates (avoidance of harm, agency, and flourishing), then we can dismiss this account until we find an unforsakeable end with no available counterexamples.

Another response might be that Wiggins did not mean unforsakeable in the common-sense way, to suggest that it can never be forsaken, but in some more nuanced or technical sense wherein even if you have prioritised some other valued end over survival, you could never forsake the end of survival. In some way, you stay true to it even as you commit suicide. While this might be so, it relinquishes the normative, action-guiding nature of unforsakeable ends, and would make it difficult to distinguish between ends that are and are not forsakeable.

Relatedly, one might argue that it only *appears* that you have forsaken survival; actually, committing suicide is either an expression of, or at least consistent with, the end of survival. I suspect that this response ultimately collapses into forsaking survival for some other valuable end. For example, I may kill myself as an expression of my commitment to survival of the species (say, if I am infected with a dangerous and contagious disease), but the survival of the species is a distinct end to my own survival.

Lastly, we might lean on the categorical nature of our needs for unforsakeable ends, and admit that while survival has in fact been forsaken, I have forgotten that such needs might be *rationally* categorical, and need not be unforsakeable in an empirical sense. If this is right, we should understand unforsakeable to mean 'rationally unforsakeable,' and simply accept that some people have, as a matter of fact, irrationally forsaken unforsakeable ends. Now we can answer that in any case where a person has forsaken

their survival, as in the case of martyrdom and suicide, they have acted irrationally. While this is not altogether outlandish, I consider it a counterintuitive response. For example, martyrs for causes that themselves appear to be valuable ends are not obviously rationally faulty. This option is also unattractive, as it ties Wiggins' basic needs to a fairly demanding account of rationality.

If we continue with the 'rationally categorical' interpretation of Wiggins, perhaps it will take on a better light if applied to his chosen specification of an unforsakeable end: avoidance of serious harm. Unfortunately, it seems that 'avoidance of serious harm' will suffer from similar counterintuitive results in the case of extreme sacrifice. Those who undertake extreme sacrifices, which substantially blight their lives, for causes that themselves appear to be valuable ends are not obviously rationally faulty. Wiggins does not provide any further detail on what he means by harm, but it seems that the best prospect we have for escaping this predicament is to suggest a highly counterintuitive and gerrymandered view of harm. It would need to establish that, even though the sacrificer's life is blighted and they experience extreme suffering and destitution, they are not harmed or made worse off than they were, because of the value their sacrifice for their cause has (for their life). Such a view of harm would make it difficult to determine whether any given need claim is in fact morally important, as it would be challenging to determine whether any particular case of apparent need is actually likely to generate all-things-considered harm.

Where does this leave Wiggins' account of morally important needs? I suspect that if our simplest valuable end contender, 'survival,' is not unforsakeable, and Wiggins' suggested 'avoidance of serious harm' falls at similar hurdles, our chances of finding another such end are slim.⁸⁵ So unless we are to understand 'categorical' and 'unforsakeable' in some more obscure technical sense, we should keep looking.

⁸⁵ I also suspect that Garrett Thomson's "inescapable" fundamental needs will face similar problems, as he claims that "what one needs, one cannot forgo" (2005, p. 177).

3.2 Non-contingent needs and non-contingent aims

Reader and Brock describe morally important needs somewhat differently, and Schuppert follows suit by adopting their terminology.⁸⁶ Morally uninteresting needs are those which are contingent – that is, “required for contingent ends, which the needing being might or might not have.”⁸⁷ So far, this maps onto Wiggins’ instrumental needs. However, morally important needs are those that are non-contingent, or “necessary conditions for non-contingent aims that the needing being could not but have (like life).”⁸⁸ Further:

“The mark of the moral importance of non-contingent needs in ethics is that the needing being simply cannot go on unless its need is met. It is no exaggeration to say that in a state of non-contingent need, the very existence of the needing being as we know it is at stake.”⁸⁹

On Reader and Brock’s account, then, non-contingent needs are by their nature also existentially urgent. They add that every moral agent must, as such, take themselves to be obligated to meet non-contingent needs.⁹⁰ These needs are *pro tanto* and defeasible by other considerations:

“The moral agent may be obliged to ignore the pressure to meet one non-contingent need, and obliged to respond instead to a different moral norm (the pressure to meet a more urgent non-contingent need, say) or to a non-moral norm (the pressure to complete an important scientific experiment, say).”⁹¹

It seems from this discussion that non-contingent needs can only be defeated by other non-contingent needs in the moral sphere, and not by less important moral

⁸⁶ At times, Schuppert also adds “inescapable,” drawing from Thomson. For example, “because of X’s inescapable necessity for A, basic needs of this kind are of seemingly unique moral force...” (2011, p. 5). Insofar as this relies on an empirical claim that there are some ends that are in fact inescapable, or a claim that there are some ends that are rationally inescapable, Schuppert would face similar problems to Wiggins. Nonetheless, his account does not need to rely on inescapability, even if that is what he means by inescapable.

⁸⁷ Reader & Brock, 2004, p. 252.

⁸⁸ Reader & Brock, 2004, p. 252.

⁸⁹ Reader & Brock, 2004, p. 252.

⁹⁰ See Chapter 4 Section 2 for more on the ‘intrinsic normativity’ account of the moral normativity of need.

⁹¹ Reader & Brock, 2004, p. 253-254.

considerations like ‘the value of keeping promises.’ Schuppert assigns the meeting of non-contingent needs absolute priority in social justice over other moral considerations of a non-existential nature, such as free social agency.

While non-contingent needs appear to be the moral trump card, Reader and Brock are careful to explain that the moral force of these needs is “hypothetical, in the sense that it depends on something contingent.”⁹² Needs only oblige you if you choose to take part in moral practice. You might choose not to, and thereby release yourself from responding to non-contingent needs. I think we can understand this in two ways.

First, Reader and Brock might mean that by opting out of morality, you not only opt out of your obligations to meet non-contingent needs, but you may also opt out of “the non-contingent aims that the needing being could not but have (like life).” On this reading, “non-contingent” just means “contingent-on-being-moral.” However, the kinds of non-contingent aims we are considering, like survival, do not seem to be tied to moral practice in that way. My goal of ‘survival’ looks equally forsakeable (or unforsakeable) no matter my interest in living a moral life. Perhaps it is even more likely that I will take my survival to be an ultimate end if I am not tied to moral practice and concerned with the needs of others.

Alternatively, we could understand Reader and Brock to say that by opting out of morality, you only opt out of your obligations to meet the non-contingent needs of others. You will still necessarily have the non-contingent aims that a needing being could not but have.

It is puzzling to me to think that there is some set of universal aims that we cannot get rid of, and have no control over. This requires that people, in fact, continue to have these aims even when they think they have antagonistic ones. To illustrate, imagine a fervent believer in the Voluntary Human Extinction Movement named Claire.⁹³ Claire thinks that people are bad for the Earth’s ecology. She develops a sense of guilt about

⁹² Reader & Brock, 2004, p. 254

⁹³ See: <http://www.vhemt.org>.

the damage continued human existence causes (including her own survival), and comes to associate any human survival with such negative ecological effects. She decides that she would rather kill herself than be a part of the destruction of the Earth's biosphere. It seems strange to say that even as Claire ends her life, she continues to have the aim of survival. Granted, seemingly strange things are not necessarily untrue, but I think we can describe what is happening in a more convincing way. I do think that there is something to the intuition that Claire cannot get rid of her survival needs; even once she has chosen to end her life, if she is desperately thirsty, we might still think she needs water. However, I do not think the best way of understanding the things that Claire cannot get rid of is through talk of non-contingent aims.

Crucially, I suspect that the concern here is again one of language. As we saw in Section 2.1, talk of 'aims' carries a connotation of mind-dependence. 'Aims' are particularly challenging to interpret in a mind-independent way when referring to the choices of a moral agent. I consider that my suggestion in the following section will be concordant with a mind-independent reading of Reader and Brock, but will employ relevant terminology in a way that is less ambiguous.

3.3 Non-arbitrary needs and objective interests

It is indisputable that we all share a small set of basic things that we each need to survive. Of course, the particular kind of nutrition, or the amount of it varies from person to person, but every human being needs nutrition and hydration in order to live, no matter what they believe or value. I consider this to be as close to an objective fact about human beings as we can hope for. Further, such facts about what it is to be a human being are useful to understanding what is good for a human being as such, or what is objectively in their interest. For example, human beings cannot thrive if they are chronically malnourished – malnourishment means they will be more likely to

become ill or die young, and are more vulnerable to oppression from those with the resources to meet their needs.⁹⁴

These observations are not new, nor are they radical. However, I suggest that they give us a strong ground on which to understand need, and when it is morally important. I propose that we understand morally important needs as ‘non-arbitrary.’ *Non-arbitrary needs* are those which are universal to all human beings, and “not subject to individual determination.”⁹⁵ Arbitrary needs, then, are those which are given by our particular subjective aims, goals, and interests. Non-arbitrary needs aim at objective interests that all people have, in virtue of what is good for each of us *qua* human beings, no matter what subjective aims we have. This speaks to the intuition that we cannot get rid of our survival needs, whether or not we have forsaken them.

Notice that this distinction rests on a further distinction between *objective* and *subjective* interests. I take my use of these terms to be in line with standard usage in well-being theory, but to be clear, I mean ‘objective’ in the sense identified by Thomas Scanlon:

“By an *objective criterion* I mean a criterion that provides a basis for appraisal of a person’s level of well-being which is independent of that person’s tastes.”⁹⁶

An example of a non-arbitrary need might plausibly be ‘the need for companionship.’ Although the form this need takes will be different for different people, social relations and friendship of some kind are good for human beings, as such. By contrast, ‘the need to read mystery novels before bed’ is an arbitrary need, as it is given (if at all) by a person’s individual psychological make-up. It may well be a necessary condition for

⁹⁴ For more on the unique vulnerability of having unmet basic needs, see Chapter 5 Section 3.3.

⁹⁵ Non-arbitrary. In *Vocabulary.com*. Retrieved from: <http://www.vocabulary.com/dictionary/nonarbitrary>.

⁹⁶ Scanlon, 1975, p. 658 [emphasis original].

sleep for a particular person, but it is the need to sleep itself which is non-arbitrary, not the necessary means to sleep.

I do not claim that subjective interests can never have any kind of moral importance. Indeed, in some circumstances we may have good moral reason to prioritise a person's subjective desires over their objective interests *qua* human being.⁹⁷ I have already offered the example of martyrs, and those who undertake sacrifices which are detrimental to their well-being as a human being, and I think this is the best way of understanding those cases.⁹⁸ The claim here is that such moral importance is not best understood in terms of morally important *need*. The objective/subjective distinction helps us to understand the distinction between needs and wants/preferences/desires.

We can expect that there will often be overlap between needs and wants, in that what is good for someone as a human being will often also feature in their motivations. This is the grounding insight that Maslow's hierarchy of need captures, and this is the idea behind seeing needs as psychological drives more generally. However, needs will not always translate into wants, nor will our needs always necessarily be apparent to us. A familiar example might be nutrient deficiency: if I do not know the signs of iron deficiency, I may not realise that my fatigue and shortness of breath are signs of this deficiency, and I may experience no desire whatsoever to increase my intake of iron. This does not change the fact that it would be good for me if I were to increase my intake of iron.

I must say more to get at the most compelling subset of non-arbitrary needs. It might be that a wide range of goods are necessary for supreme human flourishing, with possible candidates including goods like friendship and self-respect. However, only a select few of these interests carry existential urgency. To continue to exist, and to exist

⁹⁷ Frankfurt, 1998, p. 20.

⁹⁸ It might be objected that, while it is morally straightforward for the would-be martyr herself to prioritise her subjective goal over her objective interest in survival, it is less clear that facilitating her martyrdom is morally acceptable for third parties. I think this is right – it is less clear, but it still seems to me that, perhaps depending on the cause of her martyrdom, a third party might be warranted in facilitating the would-be martyr's goals.

as an agent in some minimal sense, is a precondition to any other objective interests being realised. Unsurprisingly, then, the existentially urgent subset of our non-arbitrary needs are the *basic needs* that are so often central to needs theory.

My understanding of ‘basic-ness’ is informed by Shue’s analysis of basic rights:

“Why should anything be so important? The reason is that rights are basic in the sense used here only if enjoyment of them is *essential to the enjoyment of all other rights*. This is what is distinctive about a basic right.”⁹⁹

A basic need, then, is essential to the enjoyment of all other non-arbitrary needs. When such needs go unmet, we risk our lives, and our most basic agential capacities for choice. We lack the necessary conditions for meaningfully securing any non-basic needs.¹⁰⁰

Even our basic needs are defeasible. They can be outweighed by other basic needs that are more urgent, or by non-arbitrary needs or preferences that are of greater subjective importance. However, we must have good reason to deprioritise needs of this kind.¹⁰¹ I leave the possibility open that we might be morally justified in granting subjective interests priority over our basic needs, and so do not assign basic needs any absolute moral priority. A tragic example might be that of a malnourished parent who, despite their own dire need for nutrition, gives a measure of their share of food to their child to give them a better chance of survival.¹⁰²

⁹⁹ Shue, 1980, p. 19 [emphasis added].

¹⁰⁰ Notice that this understanding of a basic need will rely on a threshold for determining whether a given *occurrent* need is existentially urgent. For example, I need hydration in order to survive, but I am currently sitting at a desk with a large glass of clean water at my disposal. By contrast, if I go mountaineering without any form of hydration, this basic need may develop occurrent existential urgency. The need continues to be basic even when it is currently satisfied, but when it becomes an occurrent need that is existentially urgent at that time, we can meaningfully say that my basic needs are unmet. This avoids the counterintuitive alternative that I have unmet basic needs any time I am a bit thirsty.

¹⁰¹ In Chapters 5 and (especially) 6 I examine in more detail the kind and strength of moral claims that basic need makes of us.

¹⁰² We might plausibly think that this example is not as apt as that of the martyr, as the relation between a parent and child is best understood in terms of non-arbitrary need rather than subjective preference. Even if this is so, the idea here is that the parent literally risks

I do not offer a fixed list of basic needs, although I have already gestured at some of the plausible candidates, such as need for hydration, nutrition, and shelter. Many theorists who do offer lists agree on such archetypal basic needs, but I suspect that empirical evidence and refinement of our understanding of human needs and needs theory continue to hold potential for expansion and change of such lists. Like theorists such as Hamilton and Amartya Sen, I worry that to offer a list of basic needs would “entrench a single moment in a dynamic process.”¹⁰³ However, I will here defend the inclusion of a human need which we may not associate with existential urgency, but we should: social inclusion.

Kimberley Brownlee has argued persuasively that, as human beings, we have a deep need to seek out the company of our fellow humans:¹⁰⁴

“Our social needs include basic, non-contingent needs for decent contact, inclusion, association and interdependent care – in short social connections – without which we could not lead human lives. Our social needs also include social contribution needs since social contribution goes as much to the heart of what it means to be human as social access does.”¹⁰⁵

In an earlier paper, Brownlee was hesitant to accord such a need unqualified basic status on Shue’s understanding of the term, as she considered that many other things that are good for human beings, as such, are not dependent on social inclusion, such as breathable air.¹⁰⁶ However, recent empirical research suggests that social inclusion

ceasing to exist, which would preclude any securing of *their* non-arbitrary need for the parent-child relation. Thus, they have deprioritised their own non-arbitrary need in an attempt to promote their deep desire for their child’s survival.

¹⁰³ Hamilton, 2003, p. 12; Sen, 2005. Sen defends his decision not to follow Martha Nussbaum’s direction in listing central capabilities: “The problem is not with listing important capabilities, but with insisting on one pre-determined canonical list of capabilities, chosen by theorists without any general social discussion or public reasoning. To have such a fixed list, emanating entirely from pure theory, is to deny the possibility of fruitful public participation on what should be included and why” (p. 158).

¹⁰⁴ 2016; 2013.

¹⁰⁵ 2016, p. 55. Brownlee here uses Reader and Brock’s understanding of non-contingent needs.

¹⁰⁶ 2013, p. 214. Note that Brownlee is here concerned with a *right* against social deprivation, but the concern she raises also stands in the case of need.

is indeed existentially urgent, and to be deprived of it beyond a certain threshold increases risk of premature mortality: that is, for the most deprived, social deprivation is a matter of life or death.

Social exclusion has been linked to suicide and premature death due to coronary heart disease, violence, accidents, or substance abuse, particularly in males in young and middle-age groups.¹⁰⁷ Researchers investigating the social determinants of health have developed measures of social deprivation (such as the proportion of separated, divorced, or widowed people, and the proportion of persons living alone)¹⁰⁸ which have been linked to premature mortality across populations, due to diverse causes such as cancer and circulatory diseases.¹⁰⁹ In a Canadian study, the effect of social deprivation on premature mortality was as much as doubled for rural populations.¹¹⁰ On the opposite end of the spectrum, skin-to-skin contact between preterm infants and parents has been shown to reduce mortality, severe illness, infection, and length of hospital stays in both developing countries and high-income countries.¹¹¹ Such findings suggest that we should take a basic, non-arbitrary need for social inclusion seriously, and that, although it manifests itself differently in different populations and age groups, it is a need that we all share as humans.

It is worth noting that Reader and Brock's account of non-contingent need is potentially consistent with my own, in a loose sense. Arbitrary needs map onto contingent needs relatively unproblematically (and Wiggins' instrumental needs, for that matter). On the most likely reading, both accounts also attempt to describe the

¹⁰⁷ Möller-Leimkühler, 2003.

¹⁰⁸ Measures of social deprivation are often relativised to the particular population being studied. These indicators would not necessarily be applicable across cultural or geographic populations, as other measures of social deprivation may be more relevant in other contexts.

¹⁰⁹ Saint-Jacques et al., 2014; Santana, 2002; Rose, 2000.

¹¹⁰ Saint-Jacques et al., 2014.

¹¹¹ Jefferies, 2012. Skin-to-skin contact (also known as 'kangaroo care') provides a range of benefits, such as improved temperature regulation and sleep organisation, which may not be best understood *directly* in terms of social inclusion, but skin-to-skin contact remains superior to mimicking such effects using intensive care unit technologies, despite the comparative precision and control of such technologies.

things which are good for people no matter what they think. However, I am able to avoid saying that people can have aims they cannot get rid of by saying that they have objective interests *qua* human beings that they cannot get rid of. I may not have a subjective aim that I should flourish as a human being, but that does not change the fact that it would be good for me, as a human being, to have enough hydration that I can survive. Further, Reader and Brock tie non-contingent needs to existential urgency directly, possibly in an attempt to establish normative force from the get-go. However, it is unlikely that non-contingent aims are coextensive with existentially urgent aims, unless we think that there are only very few, survival-relevant, things that are good for us as people. I do not tie non-arbitrariness to existential urgency, so I am able to make sense of a broader range of needs that are less urgent and uncontroversial (like friendship and self-respect), but still appear to be universal to human beings, as such.

I will now consider two potential objections to my account of non-arbitrary need grounded in objective interests. The first is the charge of epistemic elitism, and the second relates to the emergence of new medical technologies as indicating a relativity at the heart of even basic need.

As a view of well-being which has an objective component (i.e. grounding non-arbitrary need in objective interests), my view is open to the charge that it depends on epistemic elitism.¹¹² The idea here is that it is counterintuitive for well-being to be judged by objective standards which ignore the individual's point of view of their own life, and what it means for that life to go well.¹¹³ How could 'experts' claim to know better than I can what is good for me and for my life? I suspect this concern is among the reasons Sen is hesitant to proffer a central capabilities list from on high, so to speak, and the concern must be taken seriously. I have defended a very narrow understanding of basic needs, and the most archetypal of these is unlikely to be the source of such concern. It does not require expertise to recognise the necessity of hydration and

¹¹² Badhwar, 2014, p. 24-25.

¹¹³ Note that this concern is often related to the concern of paternalism, where there is *intervention* against the will of the person concerned, on the grounds of their own well-being. I do not engage with this concern here as I have not advocated for such intervention.

shelter for survival, for example. Rather, I suspect this challenge will be strongest when it is used to motivate an expansion of our understanding of basic-ness and existential urgency, or to challenge liminal cases. Two considerations may mitigate the seriousness of this concern: the morally defeasible nature of even basic needs, and the distinction between needs and their satisfiers.

First, on the view I defend, objective interests do not (necessarily) have exclusive reign over human well-being. I have allowed that subjective preferences may be prioritised over even our basic needs in some cases, although I have cautioned that we must have weighty reasons for ignoring basic needs altogether. What it means for a life to go well *for a particular person* is accorded moral weight on this view, but so too is what it means for a life to go well *qua human being*.

Second, although empirical evidence from experts is important on this view for determining which needs are basic (as demonstrated by the argument I offered for a basic need to social inclusion), the *satisfiers* of any basic need will always need to be relativised to the particular person and context. Expert evidence may clarify the impact of social exclusion on the average middle-aged man in a certain demographic, for example, but it cannot dictate the benefits or drawbacks of participation in a community outreach project for any individual man.

The second objection observes that, as new medical technologies emerge, it seems to make sense to understand those with serious medical conditions as having a basic need for such technologies. Does the emergence of such interventions create new human needs? If so, are needs not then relative to the context the needing being finds themselves in? Here again the response must be to distinguish between needs and the satisfiers of those needs. This is easiest to see in a scenario where more than one technology could be used to save a person's life, but they will likely die if they do not receive any intervention. The person does not have basic need, in the sense I have defined, for 'Intervention 1 (e.g. surgery) *or* Intervention 2 (e.g. medication).' Rather, these interventions are each potential satisfiers for a condition which a particular individual has. New medical technologies offer the promise of new need satisfiers, but the individual would have had the underlying need even if there were no possible satisfiers available.

4. The Scope of Needs Theory

I have proposed that we should think of basic needs as the existentially urgent subset of our non-arbitrary needs. Satisfaction of such needs is necessary for the securing of any less urgent needs, and any other goods, as the needing being cannot continue to exist as such without their basic needs being addressed. I have suggested that in one sense, maintaining the narrow, urgent scope of basic needs is desirable: the narrow, urgent nature of our basic needs is what makes them so compelling.¹¹⁴ However, such an account will be too narrow to provide a more complete ground for global justice, or even for some minimal level of justice. Should a theory of need be aimed at providing a more expansive picture of human well-being or entitlement?

Theorists such as Len Doyal and Ian Gough have defended more expansive views of our basic needs.¹¹⁵ Doyal and Gough include *critical autonomy* as a basic need, which involves the combination of freedom of agency (being able, in principle, to choose) and political freedom (participation “in agreeing to or changing the rules of a culture”¹¹⁶). This is a distinctly high-level basic need, as it is plausible that many people even in high-income countries cannot be said to have genuine political freedom in this liberationist sense. Further, it bears a very different kind of urgency to needs for hydration or shelter. I agree with Schuppert that defence of higher-level needs like critical autonomy under the banner of ‘basic needs’ risks diluting the moral force of the concept.¹¹⁷

Sarah Clark Miller offers a counterexample to narrow accounts involving fire fighters:

“Fire companies, when called to the scene of a fire, have as their goal not to rescue burn victims at a point prior to their death, but rather to rescue victims in as timely a fashion as is possible, so as to minimize all possible damage to them (including physical and psychological pain and suffering).”¹¹⁸

¹¹⁴ Schuppert, 2011.

¹¹⁵ 1998; 1991.

¹¹⁶ Doyal, 1998, p. 162 [original emphasis removed].

¹¹⁷ Schuppert, 2011.

¹¹⁸ Miller, 2012, p. 27.

Of course, she is right – a moral or political theory which made space only for basic needs, and excluded everything but survival needs from that category, would be both incomplete and ridiculous. There are far more components to human well-being than survival and minimal agency. Indeed, the view of need I have offered could accommodate a rich, thick conception of objective well-being in the form of our non-basic needs, in terms of the things that make one's life go well *qua* human being. However, I have sought to limit the designation of 'basic needs' along narrower lines because such needs, as the necessary conditions for any higher-level human goods, carry uniquely compelling force for moral and political practice.¹¹⁹

As a result, I again agree with Schuppert that the most morally compelling needs, our basic needs, are not enough to ground a full theory of social or distributive justice. Luckily, basic needs do not have to "shoulder the entire burden of grounding a full theory of social justice."¹²⁰ What makes basic needs powerful is that they provide the most transparently common ground we can hope to find. The broader list of things that are good for human beings as such is contentious, and easily obscured by the particular lives we lead and ends we value. It is also possible that, in order to get at what is good for people as such, we must thin our concepts down such that they no longer provide much guidance without further operationalization, which will itself be contentious. From a pragmatic perspective, basic needs give us some purchase on universality that is amenable to widespread support, versus more substantive needs or interests that may require shared values and moral norms to gain traction.

People die on a massive scale every day because their basic needs are not met. According to the United Nations, "while food is the most basic of human needs required for survival, 1 in 8 people do not have enough to eat, most of them women

¹¹⁹ This will be important when, in Chapters 5 and 6, I seek to determine the kind of duties we have to respond to need. There, I argue that duties to respond to basic need are duties of justice, and thus amenable to coercive enforcement, in principle. It is worth noting that Miller does not defend stringent, enforceable duties of this kind.

¹²⁰ Schuppert, 2011, p. 16.

and children.”¹²¹ Using a narrow view of basic needs enables theorists like Brock to argue that *any* plausible theory of distributive justice must “make space for the special significance of our needs.”¹²² Our needs for survival and minimal agency may be relatively few, and so limited in scope, but if a theory of need is able to make a convincing case for responding to those needs, then its scope is sufficient to warrant serious attention.

5. Conclusion

In this chapter, I have developed an account of needing, distinguished morally important needs from wants, and defended a narrow view of basic needs in terms of existential urgency.

I began by identifying needing as a three-part relation, and defended this standard account against recent accusations of mind-dependence and ambiguity. I then sought to develop an account of morally important needs which distinguishes them from wants. After suggesting that both Wiggins’ quasi-categorical needs, and Reader and Brock’s non-contingent needs suffer from imprecision on the question of mind-dependence, I offered my own view. Here non-arbitrary need is grounded in the objective interests that all people have in virtue of what is good for us, as human beings. The existentially urgent subset of such needs are our basic needs.

I addressed two challenges for my view: epistemic elitism, and the seeming relativity of even basic needs. Finally, I defended the value of a relatively narrow scope for basic needs: basic needs do not offer a complete theory of morality or justice, but they do concentrate attention on a uniquely compelling subset of our most urgent, shared interests.

In the next chapter, I consider the relation between needs and nearby concepts in moral and political theory, with a particular focus on their closest neighbours: capabilities.

¹²¹ UN WFP, 2013.

¹²² Brock, 2005.

References

- Anscombe, G. E. M. (1958). "Modern moral philosophy." *Philosophy*, 33(124), 1-19.
- Badhwar, N. K. (2014). "Objectivity and subjectivity in theories of well-being." *Philosophy & Public Policy Quarterly*, 32(1), 23-28.
- Brock, G. (2005). "Needs and global justice." *Royal Institute of Philosophy Supplement*, 80(57), 51-72.
- Brock, G. (1998). "Introduction." In G. Brock (ed.) *Necessary Goods: Our Responsibilities to Meet Others' Needs* (pp. 1-18). Lanham, MD: Rowman & Littlefield Publishers.
- Brownlee, K. (2016). "Ethical dilemmas of sociability." *Utilitas*, 28(1), 54-72.
- Brownlee, K. (2013). "A human right against social deprivation." *Philosophical Quarterly*, 63(251), 199-222.
- Dean, H. (2010). *Understanding Human Need*. Bristol: Policy Press.
- Doyal, L. (1998). "A theory of human need." In G. Brock (ed.), *Necessary Goods: Our Responsibilities to Meet Others' Needs* (pp. 157-172). Lanham, MD: Rowman & Littlefield.
- Doyal, L., & Gough, I. (1991). *A Theory of Human Need*. Basingstoke: Macmillan Press.
- Fletcher, G. (Forthcoming, 2018). "Needing and necessity." In M. Timmons (ed.) *Oxford Studies in Normative Ethics: Volume 8*. Oxford: Oxford University Press.
- Frankfurt, H. G. (1998). "Necessity and desire." In G. Brock (ed.), *Necessary Goods: Our Responsibilities to Meet Others' Needs* (pp. 19-31). Lanham, MD: Rowman & Littlefield.
- Hamilton, L. A. (2003). *The Political Philosophy of Needs*. Cambridge: Cambridge University Press.
- Jefferies, A. L. (2012). "Kangaroo care for the preterm infant and family." *Paediatric Child Health*, 17(3), 141-143.
- Liss, P. E. (1993). *Health Care Need*. Aldershot: Avebury.
- MacCallum, G. (1967). "Negative and positive freedom." *Philosophical Review*, 76(3), 312-334.
- McLeod, S. K. (2015). "Two philosophies of need." *Polish Journal of Philosophy*, 9(1), 33-50.
- Miller, S. C. (2012). *The Ethics of Need: Agency, Dignity, and Obligation*. New York: Routledge.
- Möller-Leimkühler, A. M. (2003). "The gender gap in suicide and premature death or: why are men so vulnerable?" *Archives of Psychiatry & Clinical Neurosciences*, 253(1), p. 1-8.

- Plant, R., Lesser, H., & Taylor-Gooby, P. (1980). *Political Philosophy and Social Welfare*. London: Routledge & Kegan Paul.
- Reader, S., & Brock, G. (2004). "Needs, moral demands and moral theory." *Utilitas*, 16(3), 251-266.
- Rose, R. (2000). "How much does social capital add to individual health?" *Social Science & Medicine*, 51(9), 1421-1435.
- Saint-Jacques, N., Dewar, R., Cui, Y., Parker, L., & Dummer, T. J. B. (2014). "Premature mortality due to social and material deprivation in Nova Scotia, Canada." *International Journal for Equity in Health*, 13(1), 1-12.
- Santana, P. (2002). "Poverty, social exclusion and health in Portugal." *Social Science & Medicine*, 55(1), 33-45.
- Scanlon, T. M. (1975). "Preference and urgency." *Journal of Philosophy*, 72(19), 655-669.
- Schuppert, F. (2011). "Distinguishing basic needs and fundamental interests." *Critical Review of International Social and Political Philosophy*, 16(1), 1-21.
- Sen, A. (2005). "Human rights and capabilities." *Journal of Human Development*, 6(2), 151-166.
- Shue, H. (1980). *Basic Rights: Subsistence, Affluence, and U.S. Foreign Policy*. Princeton: Princeton University Press.
- Thomson, G. (2005). "Fundamental needs." *Royal Institute of Philosophy Supplement*, 80(57), 175-186.
- United Nations World Food Programme [UN WFP] (2013). *Hunger is the World's Greatest Solvable Problem*. Retrieved from: <http://documents.wfp.org/stellent/groups/public/documents/communications/wfp255846.pdf>.
- Wiggins, D. (2005). "An idea we cannot do without: What difference will it make (e.g. to moral, political and environmental philosophy) to recognize and put to use a substantial conception of need?" *Royal Institute of Philosophy Supplement*, 80(57), 25-50.
- Wiggins, D. (1998). "Essay I: Claims of need." In *Needs, Values, Truth: Essays in the Philosophy of Value* (3rd ed., pp. 1-58). Oxford: Oxford University Press.
- Wiggins, D. (1987). "Essay I: Claims of Need." In *Needs, Values, Truth: Essays in the Philosophy of Value* (pp. 1-58). Oxford: Basil Blackwell.

Chapter 2: Needs and Their Neighbours

1. Introduction

Thus far, I have provided a view of need as a three-place relation, and of morally important needs as those which are non-arbitrary, aiming at the objective interests that all humans have in virtue of being human. I further posited that the existentially urgent subset of our non-arbitrary needs are the basic needs that are so central to needs theory. I now consider how needs are related to their nearby conceptual neighbours. Given the prominent role that objective interests play in my account, I begin with the relation between needs, interests, and wants. Much of what I say on wants and interests follows from the account of non-arbitrary needs I have offered.

Then, I move to consider the closest conceptual relative of basic needs: capabilities. The capabilities approach has achieved significant notice and influence in both justice theory and development studies, and its close relationship with needs theory warrants sustained consideration. I compare two of the most prominent views in their respective domains: Len Doyal and Ian Gough's basic needs theory, and Martha Nussbaum's capabilities approach. After entertaining the notion that needs are best seen as a rival for capabilities, or that each theory is incomplete without the other as its complement, I suggest that they are best seen as *two sides of the same coin*. Each offers a distinctive focus, and each can provide a comprehensive view that is of value to the overall picture of well-being and entitlement. Straining the metaphor, I briefly suggest adding rights as a third side of the coin.

Finally, I entertain an argument which justifies the value of needs-talk on the grounds of the conceptual irreducibility of need. I posit that needs *can* be reduced to other concepts, which are at least more fundamental in this sense. However, I defend the value of needs-talk along other lines. Further, I indicate that other reducible concepts play a similarly vital role in moral political theory, such as vulnerability. Need, like vulnerability, is reducible, yet it is still of central interest to moral and political theory.

Examining the relation of need to nearby neighbours allows us to gain a clearer understanding of need itself, and to give it a more tangible position and role in contemporary theory.

2. Needs, Wants, and Interests

2.1 Wants

I have indicated that one of the chief challenges for any needs theorist is providing some compelling and intelligible distinction between needs and ‘mere wants.’ If needs are allowed to collapse into a rhetorically compelling subset of wants, they will no longer occasion much theoretical concern. I responded to this challenge in the previous chapter, but it is worth brief reflection here on what is meant by ‘want,’ and the moral status of wants in relation to needs.

As with most other terms of interest to philosophers, everyday use of the term ‘want’ is varied. We sometimes use ‘want’ to describe *a lack*, as in “they perished for want of food.”¹²³ Want, in this sense, often describes a material lack, but it does not necessarily refer to humans, much less to the interests or desires of humans. For example, even if ‘the houses are in want of repair,’ it may be in no human’s interest to repair them, and no human may have the desire to repair them. We can make sense of this idea of ‘a lack’ by making use of the three-place need relation: there is a lack when a need exists, and the object (Y) necessary to the end state (Z) is not currently available. This sits nicely with the account of needs that I have already provided, and situates ‘a lack’ as an occurrent need.¹²⁴ The occurrent need is morally important when the need itself is morally important: when it aims at objective interests that humans have *qua* human beings.

¹²³ Crisp, 2003, p. 761.

¹²⁴ Recall my comment in Introduction Section 2 that speaking of needs as lacks may obscure the sense in which needs persist even when they are not currently unmet; hence my preference for the term ‘occurrent need.’

We also commonly talk of ‘wants’ in terms of desires, and it is these wants that I take to present the more interesting challenge for needs theorists.¹²⁵ Desires are not restricted in their aim; they need not aim at any previously existing interests at all. For example, I may come to want something (perhaps via brainwashing or advertising) that would otherwise be bad for me in every way.¹²⁶ People often do want things that are in their interest, and this is sometimes a good way to start thinking about the interests that people do have, but desires are not exhaustive of, or co-extensive with, needs or interests.

Already, we can see significant points of departure between needs and wants so understood. Desires are uncontroversially considered to be mental states with intentionality, whereas needs are neither necessarily intentional, nor are they mental states:

“What I need depends not on the thought or workings of my mind (or not only on these) but on the way the world is.”¹²⁷

Although need is sometimes thought of as a special kind of desire, on this understanding, needs are not directly related to desires.

My account of needs is in tension with a simplistic desire-satisfaction theory of well-being, on which the only thing that is good for me is the satisfaction of desires. If we think, as I do, that there are some things that are good for human beings as human beings, regardless of what they happen to desire, then we must reject simple desire-

¹²⁵ I focus on desires rather than preferences because preferences may be taken to have more complex connotations. While preferences might be thought of as idealised, informed, authentic, etc., I hope to engage with desires in their simplest and broadest sense. I take it that I leave normative evaluation of desires sufficiently open that what I have to say applies to at least some understandings of preferences as well as desires.

¹²⁶ Here a qualification is necessary: if we think that desires are morally important, there is at least one way in which getting something that I desire would be good for me. Further, on a simplistic desire-satisfaction picture of well-being, the only thing that is good for me is satisfaction of desire, so the only sense in which the desired thing could “otherwise be bad for me in every way” is if it went against my desires. Such views have sufficiently serious counterexamples that I will not attend to them in detail here.

¹²⁷ Wiggins, 1987, p. 6.

satisfaction theories. However, we can still allow that satisfaction of desires might be *a* good thing, even when it is in tension with satisfaction of needs. Recall the case of the martyr. We might think that this is a case where a person sacrifices her interest in survival for something she values more, such as the desire to effect change, and that she is not clearly making a mistake in prioritising this desire.

I will leave the moral value of desire satisfaction, and so whether wanting is itself morally important, as an open question for my account. I suspect that on any plausible interpretation of desire satisfaction, it does not provide a good that is basic in the same way that, say, survival goods are. That is, some goods (such as physical security and adequate nutrition) are necessary in order to secure any other goods, and desire satisfaction is not basic in this way. In this sense, desire satisfaction may not share the same kind of politically justifiable distributive priority that we associate with more fecund goods. However, if wanting is itself morally important, this need not cause difficulties for my account of needs. Needs do not have to encompass all morally relevant things to be themselves morally important.¹²⁸

2.2 Interests

As I have defined morally important, non-arbitrary needs in terms of (objective) interests, I will now consider the relationship between needs and interests. By definition, on my view interests are a more fundamental concept than needs in the sense that needs are defined in terms of interests.¹²⁹

Following David Owens, I understand interests in the following way:

“Something is in the interests of an agent when it is good for the agent, when it makes that agent’s life go better.”¹³⁰

¹²⁸ Note that if we take wanting to *create an interest* in that desire being fulfilled, we can make sense of that interest using my account of interests in the following section.

¹²⁹ Schuppert, 2011.

¹³⁰ 2012, p. 7.

Recall that in Chapter 1, I outlined two broad categories of interest: objective and subjective. *Objective interests*, on my understanding, are those interests that we all have in virtue of being human. They are universal, and not dependent on individual preference.¹³¹ *Subjective interests*, then, are interests that are given by the particularities of a human life, such as an individual's life goals, relationships, and values. For example, while human beings as such have an interest in having adequate shelter for protection from the elements, it is particular human lives that make sense of interests in pursuit of musical or athletic excellence.

It is important that we not confuse this use of the terms objective and subjective with others. For example, when we talk about what is 'objectively in my interests' we may be distinguishing what *we think* is in our interests ('subjectively in our interests') from what is *really* in our interests ('objectively in our interests'). On my use of these terms, both objective and subjective interests are interests that *we really have*; when I think I have an interest but I am mistaken, I do not have any kind of interest at all. A parallel distinction is drawn in the language of obligation or duty. Whereas natural duties are owed to all persons simply qua persons, special obligations are owed to a subset of persons with whom we share a particular relationship, such as fellow citizens or people to whom we have made promises.¹³² Notice that special obligations, like subjective interests, are no less real for their particularity.

On my account, non-arbitrary needs are defined in terms of objective interests, and arbitrary needs are defined in terms of subjective interests. I do not suggest that objective interests should always have absolute moral priority over subjective interests, or vice versa. Rather, in Chapter 6 I defend an enforceable duty to respond to non-arbitrary needs that are existentially urgent; I remain agnostic as to the kinds of duties that subjective interests might generate.

¹³¹ Doyal & Gough, 1984, p. 49.

¹³² Jeske, 2014, para. 1.

3. Basic Needs and Capabilities

Basic needs theory and the capabilities approach bear striking similarities, and their modern iterations were first articulated at around the same time; however, they have largely developed independently of one another even up to the present.¹³³ While needs are certainly not a new concept, the International Labour Organization's World Employment Program and its 1976 conference is often credited with regenerating basic needs as a focal point for development strategy.¹³⁴ Throughout the 1980s, it was developed further by a variety of thinkers both as an approach to development programmes and, to a lesser extent, as a branch of normative theory.¹³⁵ By comparison, the capabilities approach has a more cohesive origin. Developed in the 1980s, economist and philosopher Amartya Sen is widely recognised as its founder, and following their collaboration, philosopher Nussbaum has provided influential re-workings.¹³⁶

The capabilities approach has enjoyed critical and popular success in a range of disciplines, as well as influence in the policies of international agencies such as the World Bank and the United Nations Development Programme, most notably through the annual Human Development Reports which began in 1990, producing “their own capability-based studies of the well-being of different regions and groups in their own societies.”¹³⁷ In contrast, basic needs theory is now thought by some to be too minimal and mechanistic by comparison to the capabilities approach, which vindicates a richer spectrum of things that make our lives go well.¹³⁸ Some needs theorists have responded

¹³³ Gough, 2014, p. 357.

¹³⁴ Jolly, 1976.

¹³⁵ Needs literature from this era often demonstrates a curious blend of development studies and normative theorising, but for example Paul Streeten's *First Things First* (1981) and Mahbub ul Haq et al.'s *Meeting Basic Needs* (1980) focus more on the former, whereas David Wiggins' *Needs, Values, Truth* (1987) and Garrett Thomson's *Needs* (1987) are squarely located within the latter.

¹³⁶ See: Sen, 1989, 1985, 1980; Nussbaum, 2011, 2001, 1988.

¹³⁷ Nussbaum, 2011, p. x.

¹³⁸ Reader, 2006.

to this challenge by contending that basic needs provide a firmer ground for international agreement and emancipatory change than the capabilities approach.

Gough's recent "Lists and thresholds"¹³⁹ compares two leading accounts of needs and capabilities, pitting them against each other as rivals over the same conceptual domain: Doyal and Gough's needs theory, and Nussbaum's capabilities approach.¹⁴⁰ Therefore, it will be instructive to engage with these theories to determine whether needs and capabilities are best thought of as rivals. Although basic needs theory is relatively fragmented, Doyal and Gough's work is foundational to much work in contemporary needs theory, and so is a fitting study for comparison. Nussbaum's capabilities approach has similarly stimulated significant enthusiasm and development of capabilities theory. In Section 3.5, I consider how Sen's capabilities approach, and my own view of basic needs, might paint a different picture.

I begin by offering a necessarily brief background on the two approaches.¹⁴¹ I then reflect on the relationship between capabilities and needs, entertaining three broad accounts of this relationship. On the first, we see *needs as a competitor* for the conceptual ground of well-being and justice. Here, needs are directly in competition with capabilities as a fundamental way of understanding entitlements and responsibilities, and things that make a life go well. Second, I consider *needs as a complement* to Nussbaum's capabilities approach, bolstering her more perfectionist conception of well-being with the comparative urgency of basic need. Ultimately, I suggest that we should see needs and capabilities as *two sides of the same coin*. This proposal draws from Sen's early writings on capabilities to see capabilities as an "interpretation of needs,"¹⁴² and my own view of needs presented in Chapter 1. Although the Doyal-Gough and Nussbaum approaches do benefit from mutual

¹³⁹ 2014.

¹⁴⁰ Particularly the accounts set out in *A Theory of Human Needs* (1991) and *Creating Capabilities* (2011) respectively.

¹⁴¹ For a more complete introduction: on capabilities see Robeyns (2011), on needs Gough (2014).

¹⁴² Sen, 1980, p. 218.

supplementation, the value of such supplementation is contingent on the particular way those approaches have been developed. We could well develop a view of needs or capabilities which is not conceptually dependent on other views. Rather, each view is valuable for the particular lens or perspective it offers us to the moral and political domain.¹⁴³ I conclude the section by proposing that needs and capabilities stand in a similar relation to rights.

3.1 Fundamentals of the capabilities approach

The capabilities approach employs a core set of concepts, the foremost of which are functionings and capabilities. *Functionings* are “beings and doings,”¹⁴⁴ or states of being and activities that a person undertakes, such as ‘being well-nourished’ or ‘caring for a child.’¹⁴⁵ *Capabilities*, on the other hand, are “sets of interrelated opportunities to choose and act,”¹⁴⁶ or to achieve functionings. For example, while ‘being well-nourished’ is a functioning, the real opportunity to be well-nourished is a capability. Thus, functionings are concrete achievements, whereas capabilities are valuable opportunities from which we can choose.

Nussbaum’s explication of the capabilities approach provides a list of ten core capabilities necessary for a “dignified and minimally flourishing life”¹⁴⁷:

¹⁴³ One might think that there is another option to be considered: that of a pluralist understanding of justice, wherein various principles are weighed against each other casuistically. This is often the picture implied by social research on distributive justice decision-making: we weigh between distributive norms such as equality, merit, and need to give each their appropriate consideration, while accepting each principle as potentially in conflict with its competitors. See, for example: Carson & Banuazizi, 2008; Marshall et al., 1999; Miller, 1992.

On this picture, capabilities might either be understood in terms of some higher level principle or principles, or taken themselves to form a more or less homogenous ‘principle’ themselves. However, while this picture might be helpful as a decision-making heuristic, it is at best incomplete, requiring supplementation with some further theoretical lens to understand relationships between principles.

¹⁴⁴ Nussbaum, 2011, p. 25.

¹⁴⁵ Robeyns, 2011, section 2.1 para. 1.

¹⁴⁶ Nussbaum, 2011, p. 20.

¹⁴⁷ Nussbaum, 2011, p. 30.

1. *Life*
Being able to live to the end of a human life of normal length.
2. *Bodily health*
Being able to have good health, including reproductive health.
3. *Bodily integrity*
Being able to move freely, being secure against assault, having opportunities for sexual satisfaction and reproduction.
4. *Senses, imagination, and thought*
Being able to use the senses to imagine, think, and reason in a ‘truly human’ way.
5. *Emotions*
Being able to have attachments to things and people outside ourselves.
6. *Practical reason*
Being able to form a conception of the good and engage in critical reflection about the planning of one’s life.
7. *Affiliation*
(a) Being able to live with and towards others.
(b) Having social bases of self-respect and non-humiliation.
8. *Other species*
Being able to live with concern for and in relation to other species.
9. *Play*
Being able to laugh, to play, to enjoy recreational activities.
10. *Control over one’s environment*
(a) Being able to participate effectively in political choices.
(b) Being able to hold property and seek employment on an equal basis with others.¹⁴⁸

Together, the core capabilities set a minimum, necessary standard for social justice: “at a bare minimum, an ample threshold level of ten central capabilities is required.”¹⁴⁹ They are irreducible to each other, and all need to be secured to have a minimally just society.¹⁵⁰ We should think of cases where two capabilities are in competition, and not

¹⁴⁸ Nussbaum, 2011, p. 33-34 [some paraphrasing for length].

¹⁴⁹ Nussbaum, 2011, p. 32.

¹⁵⁰ Here it is important to note the distinction between *social* justice (that is, justice for societies) and *global* justice (that is, justice for all people, regardless of society). Nussbaum’s

mutually compossible, as situations of “tragic choice”¹⁵¹ in which we inevitably violate someone’s entitlements. They *cannot justifiably be weighted or prioritised*, as all represent basic entitlements. In such cases, we must work to ensure that we are not faced with such tragic choices in the future. While the task of specifying thresholds is left to each nation, an ample threshold of some capabilities will require the capability to be fully and equally realised, such as with capabilities for political participation.

3.2 Fundamentals of basic needs theory

Unlike the capabilities approach, basic needs theory does not share a commonly accepted conceptual architecture or scope. However, any account of basic needs will contend that needs are morally important, and will then have to explain which needs are normative, and how.

A three-place understanding of need is standardly accepted in the literature:

X needs Y in order that Z.

(Where X represents an entity – in this context, a human being – and Y represents a necessary condition to the end state Z obtaining.)¹⁵²

Accordingly, needs theory has sought to answer the challenge of identifying morally important needs by specifying an end state (Z) that is of inherent value to the agent (X).

Further, a key distinction in needs theory is drawn between needs and their satisfiers. Early proponents of needs theory were charged with excessive commodity fetishism, and this distinction serves to highlight the difference between needs and commodities or other satisfiers of those needs. While needs themselves are thought to be universal,

capabilities are most explicitly aimed at minimal criteria for social, rather than global justice. Similar limits on the action-guidance of Nussbaum’s theory are identified in Section 3.4

¹⁵¹ Nussbaum, 2011, p. 37.

¹⁵² See Chapter 1 Section 2.

what is necessary to satisfy needs is not. Here satisfiers are understood to be “all objects, activities, and relationships which satisfy our basic needs.”¹⁵³

Doyal and Gough argue that avoidance of serious harm is the inherently valuable end of all basic needs. They take such harm to be any “fundamental disablement in the pursuit of one’s vision of the good.”¹⁵⁴ They contend that physical health and autonomy emerge as the two basic needs stemming from the end of harm avoidance, and within the broader category of autonomy they include both a lower and a higher-level form.¹⁵⁵ ‘Autonomy of agency’ involves the ability to make informed choices about what should be done and how to go about doing it, whereas ‘critical autonomy’ is “the capacity to compare cultural rules, to reflect upon the rules of one’s own culture, to work with others to change them and, *in extremis*, to move to another culture.”¹⁵⁶

Doyal and Gough elaborate a list of intermediate needs (also called universal satisfier characteristics) that always contribute to the two basic needs of health and autonomy:

- Nutritional food and clean water
- Protective housing
- A non-hazardous work environment
- A non-hazardous physical environment
- Safe birth control and child-bearing
- Appropriate health care
- A secure childhood
- Significant primary relationships
- Physical security
- Economic security
- Appropriate education¹⁵⁷

¹⁵³ Max-Neef, 1989. p. 19.

¹⁵⁴ Gough, 2014, p. 364.

¹⁵⁵ Gough, 2014; White, 2008, footnote 1.

¹⁵⁶ Doyal & Gough, 1991, p. 187.

¹⁵⁷ Gough, 2014, p. 367.

3.3 Needs as a competitor to capabilities

If needs are in competition with capabilities, they must act as central, organising concepts for justice theory; that is, they must be serving a similar purpose to the capabilities. On this view, needs provide a fundamental way of understanding just entitlements, responsibilities, and things that make a life go well.¹⁵⁸

I take Gough's 2014 chapter, as well as Doyal and Gough's seminal 1991 *A Theory of Human Need*, to be exemplars of the *needs as a central concept* account.¹⁵⁹ Gough understands needs theory and the capabilities approach as having a common goal: to "clarify and defend those universal human interests which alone can underpin an emancipatory and effective political programme for all women and men."¹⁶⁰ He judges that there is significant overlap between the lists that Doyal and Gough and Nussbaum have generated,¹⁶¹ but that the more limited list of needs is more plausible as it restricts itself to urgent items that are properly considered of comparable moral importance. For example, Nussbaum's list includes play, which he argues does not "rank on a par with bodily integrity or practical reason."¹⁶²

The most powerful of Gough's arguments are summed up in the following passage:

"Nussbaum's thick approach to human capabilities embraces a wide range of human activities and extols a broad vision of human flourishing, but its foundations are shaky and its potential for securing cross-cultural consensus is unproven and probably weak. Sen's thin theory of capabilities has greater potential for identifying priority capacities and has a proven record in underpinning an international consensus on human development, but it provides little systematic or comprehensive guidance on components of human functioning or well-being. Our theory of human need, we would claim, combines the merits of both. By expounding a thin derivation, and by carefully distinguishing autonomy of agency from critical autonomy, it recognises cultural differences within a universalist framework, but by positing universal

¹⁵⁸ At least two prominent needs theorists have defended this kind of view: Gough, 2014; Brock, 2005.

¹⁵⁹ Brock's 2005 "Needs and global justice" offers a similar view, but when comparing needs and rights. I engage with it in Section 3.6.

¹⁶⁰ Gough, 2014, p. 358.

¹⁶¹ See Sections 3.1 and 3.2.

¹⁶² Gough, 2014, p. 372.

satisfier characteristics and recognising our collective understanding of these it provides a richer framework for conceiving, measuring, and – conceivably – improving human well-being.”¹⁶³

I will take this to form two broad criticisms of the capabilities approach by comparison to its needs counterpart: the problem of specification, and the problem of conceptual disadvantages.

First, the charge that the capabilities approach suffers from *problems with specification*. The challenge goes something like this: ‘On one leading account (Nussbaum), the capabilities approach achieves its goal of breadth, but consequently it is too normatively loaded to have universal appeal. On the other leading account (Sen), it is sufficiently thin to have universal appeal, but fails to deliver a sufficiently rich range of things that make a life go well. Only needs theory escapes this undesirable impasse by offering an approach that is at once thin enough to be universally uncontroversial, and wide-ranging enough to make sense of the breadth of all that makes a human life go well.’ This challenge can be dealt with if we undermine the claim that needs theory avoids the impasse. That is, if it can be shown that needs theory is similarly positioned to the capabilities in this respect, we do not have to engage in empirical speculation as to the relative fitness for cross-cultural consensus.¹⁶⁴

As we have seen, the Doyal-Gough approach takes prevention of serious harm to be the end of morally important needs. However, it is due to this very minimal focus that the Doyal-Gough approach is unable to make sense of many of the things we might think make a life go well. It is therefore unsurprising that the Doyal-Gough list of needs is more limited than that of Nussbaum’s list, excluding items such as play or relationships with animals and surroundings. Even if we accept that having the ability to enjoy recreational activities is not as necessary to prevention of serious harm as, say, having protective housing, we might think that it is either (a) still necessary for

¹⁶³ Gough, 2014, p. 379.

¹⁶⁴ I take it that this is a preferable way to proceed if it is successful, as the level and quality of empirical proof that would be needed to decisively confirm or dispute the objection is not readily available.

avoiding morally important harms and even serious harms, or (b) that it is sufficiently important for human development that its exclusion does not reflect well on a comprehensive theory of human well-being. The range of things that help us avoid serious harm will never provide as rich of a foundation as one that aims at something more maximal: Nussbaum's capabilities are directed more aspirationally at "a dignified and minimally flourishing life."¹⁶⁵ These considerations seem to indicate that needs theory should be acknowledged as engaging with a minimalist conception, by comparison to Nussbaum's more maximalist conception of well-being.

Nonetheless, Doyal and Gough are not satisfied with accepting a narrow range of outcomes for their needs theory. Recall their two-fold understanding of autonomy, which has the effect of adding to the breadth and scope of their view. While 'autonomy of agency' involves the mere ability to make any choice at all, 'critical autonomy' is significantly more demanding, requiring that people are able to reflect upon and subvert cultural rules. This demonstrably goes beyond the characteristically narrow view of basic needs, focused on shelter and food, and arguably goes beyond the scope of even the capabilities approach.

Critical autonomy has been criticised as too demanding or high-level to be considered a basic need, and even critiqued as antithetical to fundamentalist religious communities, for example.¹⁶⁶ If we recall that on this account basic needs are directed towards the avoidance of serious harm, it is difficult to reconcile critical autonomy's role as a basic need in their framework. It is questionable whether the inability to critically reflect on and change one's own cultural rules (critical autonomy) constitutes a fundamental disablement in the same way that inability to make *any* informed choices about what should be done (autonomy of agency) or wasting away from malnutrition (physical health) would constitute fundamental disablements. When this

¹⁶⁵ Nussbaum, 2011, p. 30. This contrast may even be taken to indicate that the two approaches are attempting to do different things, with needs focusing on a more basic subset of the broader picture that capabilities accommodate. If this is the case, a complementary account of the two approaches is well-grounded (see Section 3.4).

¹⁶⁶ White, 2008, footnote 1; Soper, 1993.

incapacity is accepted as a serious harm, Nussbaum's more maximal list no longer seems out of step with the task at hand. The problem of specification does not appear to be solved by resort to the Doyal-Gough needs approach, as their thin derivation focusing on avoidance of serious harm does not sufficiently support a more ambitious aim of providing a rich conception of human well-being.

Second, Gough points to *conceptual benefits* that are garnered by their needs theory that the capabilities approach cannot make sense of: namely, universal satisfier characteristics.¹⁶⁷ While the common distinction between needs and their satisfiers allows for a universalist conception of need without commodity fetishism, Doyal and Gough identify a list of properties of satisfiers that serve to promote the basic needs of physical health and autonomy in all cultures, naming these 'universal satisfier characteristics,' or 'intermediate needs' for short.¹⁶⁸ This allows them to make sense of a universalist bent even for satisfiers, while allowing that satisfiers themselves are relative.

However, the unique conceptual gain from this feature of their theory is limited. The capabilities approach is quite able to make sense of the list of intermediate needs in their own language: for example, 'protective housing' becomes 'being able to have adequate shelter,' and so on. Further, the relative nature of satisfiers, to persons and places and societies, is nicely captured in the capabilities approach by *conversion factors*: "the degree in which a person can transform a resource into a functioning."¹⁶⁹ Personal conversion factors are those that are internal to the person, such as how metabolism or sex may influence ability to convert foods into adequate nutrition and vitamins, whereas social or environmental conversion factors derive from the society or physical environment in which a person lives.

¹⁶⁷ The passage also points to the benefits of distinguishing between 'autonomy of agency' and 'critical autonomy,' but the foregoing paragraphs give us reasons for being suspicious of such benefits.

¹⁶⁸ See the list of intermediate needs in Section 3.2.

¹⁶⁹ Often credited to stem from Sen's *Inequality Re-examined*, 1992, p. 19-21, 26-30; Robeyns, 2011, section 2.4 para. 1.

Moreover, the capabilities approach has an additional conceptual benefit built into its core architecture: the distinction between achievements (functionings) and opportunities (capabilities). To see why this is desirable, a classic example should suffice:

Hunger strike: Gloria is engaged in a hunger strike as a form of political protest; she is not consuming any food or water. She has nutritious food and clean water readily available to her should she choose to consume them.

Famine: Marc lives in an area with no access to clean running water, and changing climate patterns have led to sharp decline in access to nutritional food in the region. Neither he nor any members of his family have the wherewithal to get access to adequate nutrition and hydration.

Both Marc and Gloria have unmet nutritional needs; that is, in this respect their functioning is the same. Conversely, their capabilities to meet those needs differ dramatically. The capabilities approach has the conceptual architecture for this distinction built in: the distinction between functionings and capabilities. Further, this distinction wards off concerns about paternalism; promoting people's opportunities to achieve is less directive and imposing than claiming that they need to have or be a set of concrete things to make their life go well.

Gough recognises the advantage afforded by this distinction, which is absent in his theory, but fails to properly appreciate its weight.¹⁷⁰ Doyal and Gough's inclusion of autonomy as a basic need might be seen as a step towards achieving similar outcomes, and indeed the inclusion of autonomy allows for a broad range of goods to be considered, similar to the capabilities. However, including autonomy will not get rid of counterexamples wherein promoting the substantive fulfilment of needs interferes with individual choice. The distinction between opportunities and achievements is a

¹⁷⁰ Gough, 2014, p. 375.

deep one, and when the conceptual benefits of each approach are considered, it appears far from obvious that Gough's claim to greater conceptual benefits succeeds.¹⁷¹

An additional complication for the *needs as a central concept* account is the charge that the intuitive force of 'need' seems to die out as the needs included are less urgent and existential.¹⁷² When disaster strikes and thousands of people are suffering and in immediate risk of morbidity and mortality, we draw on concepts of need as it carries with it a sense of severity and urgency, indicating high moral stakes. Doyal and Gough's inclusion of a relatively maximal picture of autonomy as a basic need is problematic in this sense, as it means we can no longer use need to capture this life-or-death urgency. This is a challenge that is unique to needs theory, as capabilities do not carry the same intuitive normative force, nor do they feature in public appeals and justifications in the same direct way.¹⁷³

In this section I have gestured to the pitfalls of privileging needs over capabilities in a competitive manner. The concerns that I have levelled might jointly suggest that we should instead throw over needs altogether, and take them to add nothing to the capabilities approach. However, I will now turn to consider how understanding the two as complementary might be fruitful. Here I indicate how the shortfalls in each of the accounts I have examined might allow both needs theory and the capabilities approach to benefit from the exchange.

3.4 Needs as a complement to capabilities

Understanding needs as a complement to the capabilities approach allows us to make use of the most compelling features of both views, incorporating them into an integrated whole. The proposal is that we should accept the capabilities approach as providing a more comprehensive way of understanding responsibilities, entitlements,

¹⁷¹ This is not to say that needs theory *cannot* make sense of the distinction between opportunities and achievements. Indeed, I argue in Section 3.5 that they can. Rather, the Doyal-Gough account *as it stands* is not so equipped.

¹⁷² Schuppert, 2011.

¹⁷³ Nearby concepts such as freedoms may have more intuitive purchase in everyday language.

and the things that make a life go well. While Nussbaum's capabilities offer a comparatively holistic approach, making sense of a wider spectrum of things that make our lives go well, basic needs are aimed at a limited, urgent subset: the things we need for our lives to continue. If we think of needs as a complement to the capabilities approach, we can make use of the normative force behind needs appeals, and yet we can show a full appreciation for the broader spectrum of things that make a life go well, such as imagination and play. Survival is necessary in order to secure any other goods at all, and as such is the most *basic* entitlement.¹⁷⁴ Still, survival is not the only, and perhaps not the most important, thing that makes a life go well. To speak to higher-level goods, we might draw on a broader theory of well-being which has capabilities at its core, and aims at human flourishing.

Recall the three-place relation of need. On the theory I am positing, it is *survival* that is taken to be the ground of basic needs and the end of inherent worth for each individual, in contrast to Doyal and Gough's focus on *harm prevention*.

Nussbaum's capabilities approach, as it is presented, is open to concerns about priority-setting. Her guidance in cases of tragic choice, where capabilities are in conflict, is limited to recognising that no matter what we choose we fail to maintain a fundamental entitlement. Nonetheless, survival entitlements are a necessary means to securing any other goods at all, no matter how minimal – and the extent of global poverty means that even the most basic human needs are widely going unmet. Thus, adding basic needs to the conceptual architecture of the capabilities approach will allow an ability to prioritise such urgent cases.¹⁷⁵ Further, it is desirable that a theory of this kind provide some guidance on situations of tragic choice. Using the logic of 'necessary means' to recognise what is necessary in order to secure any capabilities at

¹⁷⁴ This line of reasoning is adopted from Shue's 'basic-ness' argument in *Basic Rights* (1980).

¹⁷⁵ It is worth noting that there may be other necessary means to securing capabilities, with climate and environmental security considerations as strong candidates. For more on the role of the environment in the capabilities approach, see: Cripps, 2010; Holland, 2008.

all may give us a foothold when facing situations in which not all valuable goods are mutually achievable.¹⁷⁶

Fortunately, seeing needs as necessary means will avoid establishing a hierarchy between the capabilities themselves, which is anathema to Nussbaum and like-minded capabilities theorists. The necessary means to securing and enjoying the capabilities are in a sense prior to the capabilities, and do not align with any particular capabilities themselves or mandate deeming one more ‘basic’ than the other.

Incorporating basic needs theory brings the vision that whatever else makes a human life go well, no matter how we may disagree as peoples, every single human being needs adequate and safe hydration and nutrition in order to survive, in addition to shelter from the elements and physical security. If we can see meeting basic needs in terms of fundamental human rights to life, we are able to set comparatively clear targets on what is owed to people as such. When lives are at stake, there is a pragmatic benefit to having such unambiguous and relatively limited entitlements.

In contrast, Nussbaum’s capabilities theory does not sufficiently allow for explicit and pre-set priority judgements, nor does it offer sufficient advice on setting thresholds. This is intentional, as on her account, each nation is itself responsible for deciding thresholds. However, many of the most persistent problems of poverty are *global* in nature, and require coordination on priorities in order to be meaningfully implemented. Seeing *basic needs as a necessary means to pursuit of capabilities* (due to their necessary nature for survival) speaks to the most demonstrable commonalities we have as humans: the things we need to continue to live.¹⁷⁷

¹⁷⁶ Here I am building on Sirkku Hellsten’s treatment of basic needs as the necessary means of promoting human capabilities and functionings (1995).

¹⁷⁷ Hellsten, 1995. Note that although we can see basic needs as a means in respect of their relationship to capabilities, this need not imply that needs are by their nature best viewed as merely instrumental full-stop. We can maintain that needs or their fulfilment have intrinsic value while still seeing them as necessary means for something else of value.

One challenge for this recommendation is the problem of discordant goals: while basic needs aim at the minimal end of survival, and should be seen as insufficient for securing even minimal justice, the capabilities approach is more demanding and ambitious, aiming at human flourishing. However, while these goals have a history of political friction, that friction is not problematic at the conceptual level. If we see securing basic needs as a means to promoting capabilities and human flourishing, we can recognise that on this account both needs and capabilities are ultimately understood in terms of their promotion of human flourishing.

3.5 Two sides of the same coin

I have just suggested an adaptation of the Doyal-Gough needs theory and Nussbaum's capabilities approach that allows each to benefit from the theoretical insights of the other. On the complementary, or hybrid, view that I proposed, we are able to make sense of a wider range of entitlements and levels of urgency than either account is able to accommodate on their own. However, I have not demonstrated that such a hybrid view is necessary for *any* needs or capabilities theory; rather, that it is valuable for the Doyal-Gough and Nussbaum views. In this section, I will consider Sen's capabilities approach and my own view of basic needs, and argue that not all needs and capabilities approaches are necessarily dependent on each other for theoretical completeness. Rather, such alternatives might be thought of as *two sides of the same coin*, as each offers a different perspective of, and focus within, the same domain.

Thus far, I have neglected Sen's capabilities approach. We have seen that Nussbaum does not allow for any narrowing of the core capabilities to form a list of those that are most basic, urgent, or high-priority. Given this, basic needs offered a way of bridging the gap; a valuable addition to highlight the necessary means required to secure any other goods, including capabilities. In contrast, Sen's capabilities approach may have no need for supplementation in this regard. Sen allows for the salience and importance of basic capabilities, and in his early work, he at times implies that needs and capabilities are in fact two sides of the same coin.

In contrast to Nussbaum, Sen is reluctant to provide a list of core capabilities.¹⁷⁸ He judges that public reasoning and democratic participation should have a central role in forming the list of core capabilities for each society. “Some of the basic capabilities will no doubt figure in every list of relevant capabilities in every society. But the exact list to be used will have to take note of the purpose of the exercise.”¹⁷⁹ He further points out that even once we have produced a list, we face the additional difficulty of ranking items on that list. It is not clear, for example, whether having sufficient shelter should rank above or below having sufficient nutrition in every case; it is more likely that the circumstances of each case will help us to set priorities.

Sen does propose that a “selected list of very elementary capabilities”¹⁸⁰ is useful for the purpose of dealing with problems of extreme poverty and deprivation. Here we need a conception that sufficiently conveys urgency, and to that end he offers a sketch of some ‘basic capabilities,’ including:

- The ability to move about
- The ability to meet one’s nutritional requirements
- The wherewithal to be clothed and sheltered
- The power to participate in the social life of the community¹⁸¹

In ‘Equality of what?’ Sen discusses the importance of these ‘basic capabilities.’ It is in this section of his early work that we might understand him to propose the ‘two sides of the same coin’ view:

“If it is argued that resources should be devoted to remove or substantially reduce the handicap of the cripple despite there being no marginal utility argument (because it is expensive), despite there being no total utility argument (because he is so contented), and despite there being no primary goods deprivation (because he has the goods that others have), the case must rest on something else. I believe what is at issue is the *interpretation of needs in the form of basic capabilities*. This interpretation of needs and interests is often

¹⁷⁸ Sen, 2004.

¹⁷⁹ Sen, 2004, p. 79.

¹⁸⁰ Sen, 2004, p. 79.

¹⁸¹ Sen, 1980, p. 218.

implicit in the demand for equality. This type of equality I shall call ‘basic capability equality.’”¹⁸²

This excerpt captures the intuition that needs and capabilities respond in harmony to the perceived shortfalls with a utilitarian or resourcist response to the ‘equality of what’ debate. Both approaches will level a challenge of adaptive preferences against the utilitarian.¹⁸³ Similarly, both approaches make sense of the fundamental insight that people vary in their ability to convert resources into concrete need fulfilment, in response to the resourcist.

However, the distinction between freedom to achieve and achievement itself is a central one for the capabilities approach, and as we have seen it is one that is not at the heart of needs theory. Indeed, if there is one core insight that the capabilities approach brings to the table, the distinction between freedoms and achievements is a likely contender. Sen, at times, compares “need-fulfilment” with capabilities to highlight its contrasts with freedoms of choice.¹⁸⁴ The focus of the capabilities approach on freedoms of choice provides its distinctive perspective. While needs theory can make sense of this distinction, and distinguish between opportunities and achievements, the capabilities approach is *centrally concerned* with such freedoms.

By contrast, I have provided a view of non-arbitrary and basic needs that has a different but equally vital perspective to offer within the same domain. Recall that we can make sense of a wide range of the things that make the life of a human being, as such, go well by attending to non-arbitrary needs. My attention has been focused on basic needs due to the importance they will have in defending need-based enforceable duties of justice further down the line,¹⁸⁵ but the moral framework I have offered can indeed

¹⁸² 1980, p. 218 [emphasis added].

¹⁸³ “Inequalities in achievements and freedoms get concealed and muffled in the space of conditioned perceptions” (Sen, 1995, p. 263-264).

¹⁸⁴ 1992, p. 2-3.

¹⁸⁵ See Chapters 5 and (especially) 6.

make sense of a broad spectrum of human goods such as friendship or the experience of beauty.

Perhaps the core insight in this domain of the basic needs approach generally, and my own view in particular, is an attention to the *necessary conditions* for fulfilling any other needs, or securing any other human goods. Recall that this is how I have distinguished between basic needs and other non-arbitrary needs. By their very conceptual make-up, needs are uniquely positioned to drive focus to such necessary conditions. This may be why needs theory has so often become, or focused on, *basic needs* theory. This focus allows the needs theorist to concentrate on a relatively narrow field of focus using reasoning that flows naturally and cohesively from the structure of needs themselves, thus putting the needs theorist in a position to establish duties with urgent moral force and high priority. Sen's capabilities approach, and capabilities theorists more generally, are able to accommodate these benefits. However, the core concepts of needs theory will naturally be more suited to driving focus towards necessary conditions and their moral weight.

If this is right, the capabilities approach and needs theory are best seen as two sides of the same coin. They are both able to offer the same breadth and depth of analysis, but by virtue of the concepts which are at the core of each approach, they will necessarily foreground a different focus and perspective within the same domain. In the case of the capabilities approach, it is the focus on freedoms of choice, and their distinction from achievements, which is foregrounded. In the case of needs theory, it is the necessary conditions for securing human goods.¹⁸⁶

3.6 Needs and rights

In the previous section, I suggested that needs and capabilities are best seen as two sides of the same coin: they are able to offer a comparable range of analysis within the

¹⁸⁶ It is a consequence of this distinctive focus that the duties which emerge on a needs-based theory will also tend to focus on the necessary conditions for securing any human goods, in some sense. This is evident in the duty of responsiveness I defend in Chapters 5 and 6.

domain of well-being and entitlement, but their conceptual cores will direct theoretical attention differently. I now briefly consider the relationship between needs and rights, and judge that they stand in the same relation. Straining the metaphor, needs, rights, and capabilities are three sides of the same coin.

As we saw with the capabilities, it has been argued that needs are a more fundamental concept than rights. Brock's work, such as her "Needs and global justice," positions needs at the centre of global justice theory. Taking up a comparison with human rights, Brock argues that needs are a more basic concept for such theory, claiming that "the basic needs standard is more fundamental than – and required by – the human rights approach."¹⁸⁷ This comparison is intended to show that needs are quite capable of acting as a central, organising concept in justice theory. Indeed, she seems to suggest that needs are *already* (if only implicitly) at the heart of such theory by reinterpreting the Universal Declaration of Human Rights (UDHR), a core human rights text, in terms of needs.

I will not comment in detail on Brock's reinterpretation of the UDHR, but instead offer a word of caution. Even if we can convincingly stretch needs and rights so that we can explain one entirely in terms of the other, this does not sufficiently establish that either needs or rights are more valuable conceptually. The conceptual structure of rights may still be more fruitful for legal applications, for example, or for justified *claiming*.¹⁸⁸ Like Nussbaum, I suspect that this is one of the core contributions of rights language:

"When used as in the sentence 'A has a right to have the basic political liberties secured to her by her government,' it reminds us that people have *justified and urgent claims* to certain types of urgent treatment, no matter what the world around them has done about that."¹⁸⁹

By their very content, rights communicate a sense of entitlement that is not foregrounded in the same way by conceptual structure of needs or capabilities. This

¹⁸⁷ Brock, 2005, p. 51.

¹⁸⁸ Brock's argument about fundamentality also rests on the claim that needs are irreducible concepts in moral and political theory, which I shall contest in the following section.

¹⁸⁹ 2003, p. 39 [emphasis added].

sense of entitlement, and the duties commanded in response to such an entitlement, make legal rights a very real and valuable application of the concept. Further, the foregrounding of entitlement ensures that those who claim their rights are not conceived of as appealing to pity or charity, but rather are equals with the moral standing to press their justified claim.

We might worry that, unlike needs and capabilities, rights cannot demonstrate the same range over the domain of well-being and entitlement. Their application in legal spheres should not be of concern here if they retain their range in well-being and entitlement theory. Rather, the concern might be that rights are much more limited, or focused *only* on entitlement rather than well-being. This kind of concern might ring true, particularly for those persuaded by arguments distinguishing civil and political rights as the only genuine rights, and socioeconomic or green rights as mere statements of aspiration.¹⁹⁰ However, such a limited view of rights is highly contested, and there are many rights theorists who defend a connection between rights and well-being.¹⁹¹ That being the case, we have no reason to think that rights are *necessarily* conceptually limited in this way.

Therefore, I suggest that needs, rights, and capabilities are best seen as offering three distinctive, valuable perspectives on the domain of well-being and entitlement. While rights foreground the sense of justified claiming, capabilities draw attention to freedoms of choice and achievements, and needs focus on necessary conditions for securing any other goods.

4. Are Needs Irreducible?

One reason that might be offered for considering a concept indispensable for a theory is that it is irreducible. If a concept is fundamental in this way, and cannot be explained

¹⁹⁰ For example, see Maurice Cranston's canonical "Human rights, real and supposed" (1967).

¹⁹¹ Raz, 1992; Shue, 1980; Peffer, 1978.

in terms of other related concepts, the thinking goes, then it must feature in the theory, even if it is not given explicit attention. Reader and Brock offer such a view of needs:

“Value-based, rule-based and character-based theories have to make use of the concept of need as fundamental, irreducible and morally important, if they are to account for the simple needs-meeting moral contexts that are the bread and butter of everyday moral life. Needs-talk cannot be eliminated, nor reduced to talk of values, rules or virtues.”¹⁹²

This is a challenging line of defence for the importance of needs, given their conceptual structure. As we saw in Chapter 1, need claims are inherently *directed*, and we can always ask what needs are directed towards. In this sense, needs are inherently reducible to the end state they aim towards. Reader and Brock are right that reducing needs to values, rules, or virtues would be misguided. However, there are more obvious candidates for a reductive reading of needs.¹⁹³

On my own view, I have defined non-arbitrary needs in terms of human interests. This means that all needs-talk could be reduced to interests-talk.¹⁹⁴ If irreducibility was the only ground on which a concept could be shown to have theoretical importance or value, this would be highly problematic for my account. Happily, there are other reasons for seeing needs-talk as valuable for moral and political theory.

¹⁹² 2004, p. 262.

¹⁹³ Guy Fletcher proposes that all needs-talk can be reduced to harm-talk. For example, “without Y, X will be harmed” (Forthcoming 2018, p. 23). He suggests that even in more maximal accounts of need that aim at flourishing or agency, all such talk can all be understood in terms of harm. I suspect that this presumes a view of harm which is problematic. An unmet need directed towards flourishing, which has never been met for a given individual, does not make the individual worse off than they were before (one sense of comparative harm). Further, to presume that the unmet need makes them worse off than they could be presumes that the need represents not only *necessary* but *sufficient* conditions for a measure of agency or flourishing, which is not a warranted presumption (another sense of comparative harm). His proposal may therefore need to rely on a non-comparative view of harm, which is itself a contested interpretation of the concept. These considerations aside, if we allow that Fletcher’s argument is successful, we can respond to his challenge in the same way that I respond to a reductive reading of needs in terms of interests in this section: by vindicating the value of needs-talk, despite their reducibility.

¹⁹⁴ Schuppert, 2011.

In the first instance, I have already defended the value of needs, by comparison to capabilities or rights, for the attention they draw to the necessary conditions of securing any other goods. By virtue of their conceptual structure, needs are uniquely suited to demonstrating the exceptional importance of these necessary conditions.

The second reason needs-talk is of value is largely practical, and more particular to its comparison with interests-talk. Interest is a broad category, and I am more particularly concerned with two subsets of interests: objective interests, and within these, existentially urgent interests. By understanding these interests in terms of need, we set them apart, and give emphasis to the urgent and high stakes nature of the interests involved.¹⁹⁵ This gives need claims a kind of salience that resonates in a way that reference to a particular subset of interests cannot. Needs represent a narrow subset within the broader category of interests, and because of this they carry a different feel and weight for claiming.

Further, need is not the only concept that is reducible in this sense. Vulnerability features a similar reducibility, but to harm; specifically, the susceptibility to harm. While we could reinterpret all statements about vulnerability in terms of harm, this would obscure the particular domain of liability to harm which vulnerability brings into sharp focus. In fact, I suspect many concepts in moral and (especially) political theory are not fundamentally irreducible, but are still of great theoretical value for the particular focus they bring.

To sum up, Reader and Brock's defense of need on the basis of its irreducibility is unsuccessful, as needs can be analysed in terms of the end they are directed towards. Fortunately, we can defend needs-talk on other grounds. Need is a concept that we *could* do without, but which we *should not* do without.¹⁹⁶

¹⁹⁵ O'Neill, 2011; Schuppert, 2011, p. 16.

¹⁹⁶ This line references Wiggins' "An idea we cannot do without" (2005).

5. Conclusion

In this chapter, I have attempted to place needs in relation to their nearby conceptual neighbours. In part, this helps to clarify the role of need in well-being and entitlement theory. Moreover, through this clarification I have offered a defence of the value and importance of the concept of need for such theory.

I began by situating needs in relation to interests and wants. Needs are categorically distinct from wants, and they are understood in terms of objective interests.

I then examined in detail the various ways that needs and capabilities theories might be related: as competitors, as necessary complements to each other, and as two sides of the same coin. I suggested that two prominent accounts (the Doyal-Gough basic needs theory and Nussbaum's capabilities approach) are best seen as complementary, with each supplementing the other where challenges or conceptual gaps are apparent. However, I posited that this relation is not necessary for all versions of needs and capabilities theory. Each can furnish the conceptual resources required for a suitably comprehensive view of well-being and entitlement, and each offers its own valuable and distinctive focus. We should see needs and capabilities as two sides of the same coin. Further, rights stand in a similar relation to needs and capabilities, offering a third distinctive perspective.

Finally, I considered whether needs are irreducible. After determining that they can be reduced to other concepts (such as interests), I suggested that irreducibility is not a necessary feature of valuable concepts in moral and political theory. By their very structure, needs direct attention towards the necessary conditions for securing any other goods, and the unique weight of such conditions. We still need needs.

References

Brock, G. (2005). "Needs and global justice." *Royal Institute of Philosophy Supplement*, 80(57), 51-72.

- Carson, A. S., & Banuazizi, A. (2008). "'That's not fair': Similarities and differences in distributive justice reasoning between American and Filipino children." *Journal of Cross-Cultural Psychology*, 39(4), 493-514.
- Cranston, M. (1967). "Human rights, real and supposed." In D. D. Raphael (ed.) *Political Theory and the Rights of Man* (pp. 43-53). Bloomington: Indiana University Press.
- Cripps, E. (2010). "Saving the polar bear, saving the world: Can the Capabilities Approach do justice to humans, animals and ecosystems?" *Res Publica*, 16(1), 1-22.
- Crisp, R. (2003). "Equality, Priority, and Compassion." *Ethics*, 113(4), 745-763.
- Fletcher, G. (Forthcoming, 2018). "Needing and necessity." In M. Timmons (ed.) *Oxford Studies in Normative Ethics: Volume 8*. Oxford: Oxford University Press.
- Gough, I. (2014). "Lists and thresholds: Comparing the Doyal-Gough theory of human need with Nussbaum's capabilities approach." In F. Comin & C. Martha (eds.), *Capabilities, Gender, Equality: Towards Fundamental Entitlements* (pp. 357-381). Cambridge: Cambridge University Press.
- Haq, M., Burki, S. J., & Jones, D. H. (1980). *Meeting Basic Needs: An Overview*. Washington: World Bank.
- Hellsten, S. (1995). "Needs, capabilities, and distributive justice." *Social Philosophy Today*, 11, 189-206.
- Holland, B. (2008). "Justice and the environment in Nussbaum's 'Capabilities Approach': Why sustainable ecological capacity is a meta-capability." *Political Research Quarterly*, 61(2), 319-332.
- Jeske, D. (2014). "Special obligations." *Stanford Encyclopedia of Philosophy* (Spring 2014 edition), E. N. Zalta (ed.). Retrieved from: <http://plato.stanford.edu/archives/spr2014/entries/special-obligations/>.
- Jolly, R. (1976). "The World Employment Conference: The enthronement of basic needs." *Development Policy Review*, A9(2), 31-44.
- Marshall, G., Swift, A., Routh, D., & Burgoyne, C. (1999). "What is and what ought to be: Popular beliefs about distributive justice in 13 countries." *European Sociological Review*, 15(4), 349-367.
- Max-Neef, M. et al. (1989). "Human scale development: An option for the future." *Development Dialogue* 1.
- Miller, D. (1992). "Distributive justice: What the people think." *Ethics*, 102(3), 555-593.
- Nussbaum, M. (2011). *Creating Capabilities: The Human Development Approach*. Cambridge: Harvard University Press.
- Nussbaum, M. (2003). "Capabilities as fundamental entitlements: Sen and social justice." *Feminist Economics*, 9(2-3), 33-59.

- Nussbaum, M. (2001). *Women and Human Development*. Cambridge: Cambridge University Press.
- Nussbaum, M. (1988). "Nature, function, and capability: Aristotle on political distribution." In *Oxford Studies in Ancient Philosophy: Supplementary Volume*. Oxford: Oxford University Press.
- O'Neill, J. (2011). "The overshadowing of need." In F. Rauschmayer, I. Omann, & J. Frummann (eds.), *Sustainable Development: Capabilities, Needs, and Well-Being* (pp. 25-42). London: Routledge.
- Owens, D. (2012). *Shaping the Normative Landscape*. Oxford: Oxford University Press.
- Peffer, R. (1978). "A defense of rights to well-being." *Philosophy & Public Affairs*, 8(1), 65-87.
- Reader, S., & Brock, G. (2004). "Needs, moral demands and moral theory." *Utilitas*, 16(3), 251-266.
- Raz, J. (1992). "Rights and individual well-being." *Ratio Juris*, 5(2), 127-142.
- Robeyns, I. (2011). "The capability approach." *Stanford Encyclopedia of Philosophy* (Summer 2011 edition), E. N. Zalta (ed.). Retrieved from: <http://plato.stanford.edu/archives/sum2011/entries/capability-approach/>.
- Scott, J. T., Matland, R. E., Michelbach, P. A., & Bornstein, B. H. (2001). "Just deserts: An experimental study of distributive justice norms." *American Journal of Political Sciences*, 45(4), 740-767.
- Schuppert, F. (2011). "Distinguishing basic needs and fundamental interests." *Critical Review of International Social & Political Philosophy*, 16(1), 1-21.
- Sen, A. (2004). "Capabilities, lists, and public reason: Continuing the conversation." *Feminist Economics*, 10(3), 77-80.
- Sen, A. (1995). "Gender inequality and theories of justice." In M. Nussbaum & J. Glover (eds.), *Women, Culture, and Development: A Study of Human Capabilities* (pp. 259-273). Oxford: Clarendon Press.
- Sen, A. (1992). *Inequality Re-examined*. Oxford: Clarendon Press.
- Sen, A. (1989). "Development as capability expansion." *Journal of Development Planning*, 19, 41-58.
- Sen, A. (1987). *Tanner Lectures on Human Values: The Standard of Living*. Cambridge: Cambridge University Press.
- Sen, A. (1985). *Commodities and Capabilities*. Amsterdam: North-Holland.
- Sen, A. (1980). "Equality of what?" In M. McMurrin (ed.), *Tanner Lectures on Human Values* (pp. 197-220). Cambridge: Cambridge University Press.
- Shue, H. (1980). *Basic Rights*. Princeton: Princeton University Press.
- Soper, K. (1993). "A theory of human need." *New Left Review*, 1(197), 113-128.

- Streeten, P. (1981). *First Things First: Meeting Basic Human Needs in the Developing Countries*. New York: Published for the World Bank by Oxford University Press.
- Thomson, G. (1987). *Needs*. London & New York: Routledge & Kegan Paul.
- White, S. (2008). "Social minimum." *Stanford Encyclopedia of Philosophy* (Fall 2008 edition), E. N. Zalta (ed.). Retrieved from:
<http://plato.stanford.edu/archives/fall2008/entries/social-minimum/>.
- Wiggins, D. (2005). "An idea we cannot do without: What difference will it make (e.g. to moral, political and environmental philosophy) to recognize and put to use a substantial conception of need?" *Royal Institute of Philosophy Supplement*, 80(57), 25-50.
- Wiggins, D. (1987). *Needs, Values, Truth: Essays in the Philosophy of Value*. Oxford: Basil Blackwell.

Chapter 3: Duties of Justice and Beneficence

1. Introduction

It is common practice to distinguish between duties of justice and duties of beneficence in modern moral and political theory, and this distinction is of particular importance for our international responsibilities to those in need. Justice is often taken to be a narrower and more demanding category of duty than the broader beneficent or humanitarian duties. If we think that duties of beneficence are weak and optional, whereas duties of justice are binding and enforceable, a great deal rides on how we characterise our duties to the global poor.¹⁹⁷ Therefore, I now address how we should set duties of justice and duties of beneficence apart. How should we understand the relationship between justice and beneficence?

I will argue that duties of justice are those which are, *in principle*, morally enforceable. This means that they are the kind of duties which *may* justify the intervention of third parties to apply coercive sanctions.¹⁹⁸

I begin by characterising accounts of the distinction between justice and beneficence under two broad categories. In Section 2, I consider the view that negative duties define the scope of justice, as distinguished from duties of beneficence. On this view, duties of justice are negative, determinate, perfect, and enforceable. This view is influential in shaping many of our intuitions, and it is here that the division between justice and beneficence is often most explicit. I argue that the differentiation between positive and negative duties is exaggerated, and that it cannot do the work that it needs to for this account. Section 3 concentrates on views that either push beyond the negative/positive

¹⁹⁷ Perhaps for this reason, much of the literature on the distinction between justice and beneficence centres on the case of our international duties to those in severe poverty. I attend to our international obligations to those in need in Chapter 6. There I rely on the account of duties of justice I defend in this chapter to demonstrate that our duties of responsiveness to need are duties of justice.

¹⁹⁸ To be clear, this is quite distinct from the possibility that duties of justice are those which we are *actually* in a position to enforce in practice, or those which we are *actually* morally justified in enforcing.

distinction altogether, or that allow for positive duties of justice. I entertain views centred on determinacy, basic goods, rights, and Thomism before arguing that justice duties are those which are, in principle, morally enforceable. In contrast, duties of beneficence are those which are not legitimately enforceable by third parties. I propose that this understanding accommodates important intuitions that duties of justice involve social protections, which preserve the force and claimworthiness of our just entitlements. I then respond to three objections for this view.

I assume in this chapter that any morally serious person will recognise that we have at least some minimal duties in the face of urgent and extreme suffering and deprivation, however optional and weak these duties might be.¹⁹⁹ I will not argue for this, as even the strictest of negative duties accounts allow that while we may not be morally *required* to do anything for the global poor, it would be morally *good* to do something.

2. Negative Duties of Justice and Positive Duties of Beneficence

On what I will call the negative duties account, a fundamental distinction is made between negative and positive duties. Justice concerns itself only with negative duties, or duties of non-interference, rather than positive duties requiring action. Positive duties may be the subject of humanitarian concern, but these are best thought of from the perspective of beneficence, charity, or aid rather than entitlement.

Many proponents of the negative duties account also support the priority thesis:²⁰⁰

The Priority Thesis: “Duties not to harm are more stringent than duties to aid.”²⁰¹

¹⁹⁹ I recognise that on some understandings of ‘duties’ or ‘obligations,’ these minimal commitments will not qualify as being properly understood as ‘duties.’

²⁰⁰ ‘Support’ of the priority thesis is often implicit, but it operates when duties of justice are defined in exclusively negative terms, and are taken to have moral priority over positive duties. For example: Valentini, 2015; Narveson, 2003; Pogge, 2002; McKinsey, 1981.

²⁰¹ Lichtenberg, 2010, p. 562. Note that Lichtenberg is a critic of the priority thesis.

If we accept this thesis, the upshot is that violations of non-interference duties are more morally important, and duties of beneficence must take a back seat. Further, this brings to the fore a key feature of the negative duties account: actively harming a person is worse than failing to prevent harm.

I now consider the grounds of this distinction on prominent negative duties accounts, before positing challenges for the categorical distinction between positive and negative duties.²⁰²

2.1 Enforceable, determinate, perfect duties

The negative duties account is particularly explicit in the work of libertarian theorists such as Jan Narveson:

“I will take it as given that we are certainly responsible for evils we inflict on others, no matter where, and that we owe those people compensation. [...] Nevertheless, I have seen no plausible argument that we owe something, as a matter of general duty, to those to whom we have done nothing wrong. Still, morally commendable motives of humanity and sympathy support beneficence, and if we wish to call those ‘duties,’ there is something to be said for that, too.”²⁰³

Narveson considers that beneficence should be rewarded when it is practiced, rather than punished when it is not. The lower priority of positive duties means that cost is allowed to figure into duties of beneficence. Unless we can discharge positive duties at a low cost to ourselves, such duties are supererogatory. This demonstrates a further feature of negative duties: they are morally *enforceable*. That is, they are the kind of duties that are amenable to coercive sanction by third parties. Narveson claims that “prospects for a universal agreement to help others when they need help, as an enforceable duty, are poor.”²⁰⁴

²⁰² Theorists who support the negative duties account support vastly different positions on our duties to the global poor, depending on whether they consider that the global poor have been harmed. For a minimal picture of such duties see: Narveson, 2003; McKinsey, 1981. On more maximal duties, see: Pogge, 2002; Nagel, 1977.

²⁰³ Narveson, 2003, p. 419.

²⁰⁴ Narveson, 2003, p. 423.

In addition, on the negative duties account, duties of justice are *determinate*.²⁰⁵ It is argued that humanity and beneficence are not good sources of absolute rights, as these are considerations that apply equally to every human being. Whereas negative duties have a correlative structure and identify a particular individual or group as bearer, the bearers of positive duties are more difficult to locate. We can understand determinacy in this context using a Hohfeldian analysis of the correlative structure between claims and duties:

A has a claim that B ϕ *if and only if* B has a duty to A to ϕ .²⁰⁶

Notice that whenever A has a claim, it is a directed claim against some individual or group (B). The idea is that, for a duty to be determinate, it cannot be held against “any and all who can save him,” but instead must be held “against a *group* which could save him,”²⁰⁷ whether that group is specified in terms of ‘affluent nations’ or ‘those capable of helping.’ Positive duties, grounded in considerations of beneficence, are only weakly correlative, because it is groups that are responsible for fulfilling them, and “to have a right to be treated in a certain way against a group is not necessarily the same as having the right to be treated in that way against each member of the group.”²⁰⁸ We cannot derive determinate duties of justice from such group obligations. Instead, indeterminate positive duties against groups are best seen as weak and defeasible duties of beneficence.

A further distinction which is often drawn by negative duties theorists is that between perfect and imperfect duties.²⁰⁹ Negative duties are seen to be *perfect*, in the Kantian sense that they are strict and admit “of no exception in favour of inclination.”²¹⁰ By

²⁰⁵ McKinsey, 1981. McKinsey does not explicitly align negative duties with ‘justice’ but instead with rights. However, he is motivating a division between obligations of benevolence and obligations of right, and I judge that this coincides sufficiently with the negative duties account of justice and beneficence that I provide to make it relevant here.

²⁰⁶ Wenar, 2005, section 2.1.2; Hohfeld, 1917.

²⁰⁷ McKinsey, 1981, p. 315 [emphasis original].

²⁰⁸ McKinsey, 1981, p. 316.

²⁰⁹ Ashford, 2006; O’Neill, 1996.

²¹⁰ Kant, 1964, section II, 422.

contrast, positive duties are imperfect, and admit of exceptions as to when and how they are fulfilled:

Perfect duty: One must never (or always) ϕ to the fullest extent possible.

Imperfect duty: One must sometimes and to some extent ϕ .²¹¹

For example, we must *never* kill another human being, whereas we must take it to be a *general policy* to be beneficent; we need not be beneficent in every way, in all situations. Here the thought is that adhering to strict duties of non-interference is comparatively straightforward. I fulfil such duties simply by avoiding killing, attacking, or otherwise harming people every day. The same cannot be said for our looser duties of beneficence: because beneficence requires action rather than inaction, they are more demanding, and discretionary.

In summary, on the negative duties account, the distinction between negative and positive duties is of fundamental moral importance. Duties of non-interference are properly understood as justice-relevant, enforceable, determinate, and perfect or strict, whereas duties of beneficence that require action are properly understood to be unenforceable, indeterminate, and discretionary. In the following section, I point to some challenges for this division between negative and positive duties, and argue that its moral significance is overstated.

2.2 Problems for the negative duties account

I now entertain three challenges for the negative duties account: the conceptual challenge, the ‘new harms’ challenge, and the priority challenge.

The *conceptual challenge* is the most fundamental objection to the negative duties account, and it is not new. Shue’s landmark *Basic Rights* argues that the strong distinction between negative and positive rights is a false dichotomy. While security (often considered negative) and subsistence (often considered positive) rights may be

²¹¹ Johnson, 2008, section 5, para. 2.

quite different in other respects, these and all rights require both negative and positive duties to implement them.²¹² Instead, he offers a “threefold analysis of correlative duties” for claim-rights.²¹³

- (a) Avoiding depriving people of the substances of their rights
- (b) Protecting them against deprivation
- (c) Aiding them if they are nevertheless deprived of rights

Shue provides the example of a right to peaceful assemblies: it is no good saying that people have a right to peaceful assembly if such assemblies are often broken up by physical violence. Unless we actively *protect* the right to assemble, and thereby reduce vulnerability to interference, security rights cannot be enjoyed. For Shue, fulfilling any right requires the kind of social guarantees that we would standardly associate with positive duties. This means that the conceptual distinction between negative and positive rights and duties is misguided.

Narveson’s reply to Shue on the distinction between negative and positive rights paints his original negative duties account in a somewhat more radical light. He separates what we have a right to do and who, if anybody, will enforce the right. As our rights are purely negative, our duties are similarly exclusive to non-interference, and it follows that *no one* has any duty to enforce them. He stresses that this is intended to maintain a focus on the enforceability of duties of justice, as we may have positive duties of another kind, but these are merely morally commendable.²¹⁴ However, even focusing on the narrowest conception of negative duties, we have other reasons to think that a categorical moral distinction between negative and positive duties is misguided.

The *new harms* challenge changes course, targeting a shift in our moral responsibilities due to globalisation. Judith Lichtenberg suggests that, while we historically had good reasons to make a strong distinction between negative and positive duties, new harms

²¹² See also: Ashford, 2011; Mieth, 2008.

²¹³ Shue, 1980, p. 17.

²¹⁴ Narveson, (n.d.), section 2.2 para. 5-6.

associated with globalisation undermine those reasons. Traditionally, it seemed intuitive to give negative duties priority at least in part as they were easier to honour. Positive duties of beneficence were subject to demandingness objections, whereas negative duties avoided this problem: it seemed self-evident that refraining from violently attacking another person is easier than *protecting* that person from violent attack. However, globalisation has expanded the influence of our daily activities to unprecedented levels:

“Our most humdrum activities may harm people in myriad ways we have never thought about before. And because these activities are seamlessly woven into our normal routines, ceasing to engage in these ‘new harms’ is not at all easy – not simply a matter of refraining from things we never would have dreamed of doing in the first place, like killing and raping and robbing. Not harming people turns out to be difficult and to require our undivided attention.”²¹⁵

Inaction is no longer enough to honour our negative duties, because everyday behaviours, consumptions, and purchases contribute to these new harms.²¹⁶ While Shue’s critique undermined the conceptual distinction between negative and positive duties, Lichtenberg seeks to demonstrate that the distinction no longer tracks other features like determinacy and the strictness of a duty. Not harming people is demanding enough that it is no longer something we can categorically avoid, and thus may not be a perfect duty. Similarly, the potential victims of harm and the correlative duty bearers are no longer easily identifiable in a tangle of systemic and structural causation. We can no longer be sure of when and whose non-interference rights we are violating, and the determinacy of our negative duties is no longer categorical.

If negative duties are no longer always easier or less costly than positive ones, the negative duties account exaggerates the moral significance of this division. Lichtenberg even suggests that not harming people may often be more demanding than helping them. Instead, we should treat negative and positive duties similarly, by taking responsibility for our fair share of harm avoidance.

²¹⁵ Lichtenberg, 2010, p. 558.

²¹⁶ Ashford, 2006.

The *priority challenge* claims that duties of reparation to those we have harmed are no more stringent than duties of aid when suffering is urgent and severe. Gerhard Overland seeks to undermine the priority thesis by pressing the insignificance of the additional reason that causal responsibility provides.²¹⁷ He argues that in the case of our duties to the global poor, causal responsibility is relevant only for the task of assigning blame, or when the cost of assistance is high. Contribution to past harms is morally irrelevant when suffering and poverty is severe, and the significance of contribution will often be overridden by considerations of urgency and severity of suffering. To motivate this argument, Overland provides a thought experiment:

Unlucky careless car crash

While driving carelessly, you lose control of your vehicle and hit a pedestrian on the sidewalk. You stop the car and get out to inspect the situation. The person you hit is in need of urgent medical attention, but you also notice that ten metres to the left of your victim there is a second person harmed by another careless driver, who has fled the scene. You are unable to help both people.

Overland suggests that if the second person's injuries are more severe and urgent, you should help them first. Other things being equal, you have an additional reason to help the person you are responsible for hitting, but when other things are not equal, severity and urgency of harm should take priority. Thus, the negative duties account overstates the moral importance of the negative/positive distinction.

These problems for the negative duties account undermine the categorical moral significance of the distinction between negative and positive duties.²¹⁸ The conceptual challenge indicates that the negative/positive distinction is misleading, as securing rights of non-interference will sometimes require positive duties. The new harms

²¹⁷ Overland, 2005.

²¹⁸ To be clear, I do not suggest that the distinction between negative and positive duties, or harming and failing to help, is *altogether* morally insignificant. Instead, I am attempting to undermine the kind of strict dichotomy that the negative duties account presents, and its significance for determining duties of justice and beneficence. Some of the features that negative duties theorists take to be inherent to negative duties are not so categorically divided, and we must focus instead on the moral significance of the features themselves.

challenge undermines the determinacy and strictness of negative duties: violations of negative duties are no longer easy to avoid, or to trace. Moreover, their enforceability is increasingly costly and demanding, and no longer provides a categorical marker for justice to cling to. Finally, the priority challenge indicates that the priority of negative duties will sometimes be outweighed by severe and urgent suffering, which is itself the grounds for priority in such cases.

3. Beyond Negative Duties

Although the negative duties account is still influential, its shortcomings have driven some philosophers to discount the moral significance of the negative/positive distinction when determining the relationship between duties of justice and beneficence. Echoing Shue, Martha Nussbaum claims that the idea of negative rights is “incoherent,”²¹⁹ as “all entitlements require affirmative government action, including expenditure.”²²⁰ I will now present alternative views of the distinction between justice and beneficence.²²¹

First, I consider the possibility that duties of justice can be distinguished by their determinate structure. I suggest that this understanding is defensible, but is more formally than morally motivated once the negative/positive distinction is removed from the equation, and it isolates a narrower subset of duties than is desirable. Second, I examine the view that it is the goods which duties pertain to which distinguish duties of justice. While duties of justice promote access to basic goods or conditions, duties of beneficence aim at other goods. I judge that this view ultimately relies on enforceability to distinguish duties of justice, as the basic goods argument is only applicable to positive duties. Third, I entertain the proposal that duties of justice have to do with entitlements or rights, whereas duties of beneficence do not. I suggest that

²¹⁹ Nussbaum, 2011, p. 65.

²²⁰ Nussbaum, 2011, p. 67.

²²¹ I have parsed out distinctive features of various accounts in order to discuss them separately, but accounts focused on basic goods or rights often also make reference to moral enforceability.

there are moral rights which are not obviously justice-relevant, and that this view either collapses into the basic goods view, or into moral enforceability. I then present a contemporary reading of the work of St. Thomas Aquinas, wherein justice and beneficence are different expressions of the same motivation: love of one's neighbour. Although it is not a complete account, a Thomist view directs attention to the legalistic connotations justice carries with it, and the connection between justice and claiming. Finally, I assess the prospects of distinguishing between justice and beneficence along the lines of moral enforceability. I argue that moral enforceability is at the heart of many influential accounts of justice theory, and it is this which gives justice teeth. I consider how we might interpret moral enforceability, and address challenges for this view.

3.1 Determinate duties of justice

I argued in Section 2.2 that negative duties are not as distinctively determinate as we might have thought, and suggested that this is one reason for thinking that the negative/positive distinction does not hold. I now consider whether determinacy²²² is itself a good indicator of duties of justice.

When discussing the demarcation between duties of justice and duties of beneficence,²²³ John Stuart Mill focuses on the determinate nature of duties of justice and the fact that they involve “assignable persons.”²²⁴

“For if a moralist attempts, as some have done, to make out that mankind generally, though not any given individual, have a right to all the good we can do them, he at once, by that thesis, includes generosity and beneficence within the category of justice.”²²⁵

²²² I do not consider the possible view that the perfect-ness of duties distinguishes duties of justice. This is because, unlike Kant, I take it that even the most thorough-going modern Kantian allows that perfect duties admit of *some* exceptions, and if this is so, the distinction is unhelpful. The classic example of lying to a murderer, despite having a perfect duty not to lie, is one such exception.

²²³ Note that Mill calls these ‘duties of virtue.’

²²⁴ Mill, 2012b, para. 15.

²²⁵ Mill, 2012b, para. 16.

Here Mill is keen to defend a strict line between justice and beneficence on the grounds of determinacy. His view is concordant with McKinsey's assessment of duties against groups as only weak and indeterminate. If we accept this reading of determinacy, duties of justice pertain only to those duties for which we can identify an individual or specified group who bear the duty. In the case of specified groups, we must be able to identify who belongs to the group, and the distribution of the responsibilities pertinent to the duty's fulfilment within that group.²²⁶

The determinacy account of duties of justice has desirable features, in that it provides a reliable way of distinguishing between justice and beneficence, and in many of the cases of duties against standard harms, it seems to get this classification right.²²⁷ Collective, indeterminate duties are more difficult to claim, and to hold individual people responsible for. Further, we might think determinacy has implications for the enforceability of duties of justice, as determinate duties will be easier to enforce.

However, I suspect that this is somewhat of a formal distinction. The discussion of Lichtenberg points to a change in the determinacy of negative duties with the rise of globalisation. As an individual, it is no longer easy to establish when you are causally contributing to a serious but distant harm. If we allow that this limits the determinacy of such duties, then the category of duties of justice seems oddly contingent on the sort of context we live in.²²⁸ If we instead suggest that the *duties themselves* are determinate, but that *realising* them is simply more complicated in practice by our

²²⁶ Even this may be too lax a reading to coincide with McKinsey's criticism of groups as duty bearers, but given the preceding 'new harms' critique centred on new challenges in establishing the identity of victims and duty bearers, I take it that a flexible reading of this view will be the most charitable.

²²⁷ I suspect that some of the motivating force behind this is an implicit alignment of negative duties with determinate duties. Any cases in which the determinate/indeterminate distinction might match up with the justice/beneficence distinction also seem to feature a division between negative and positive duties – as in Lichtenberg's example of refraining from violently attacking someone versus protecting that person from violent attacks.

²²⁸ Buchanan, 1987, p. 571.

expanding spheres of influence, the strong distinction between determinate and indeterminate duties becomes more opaque.

Moreover, institutions might offer a pragmatic locus within which to meet collective duties, and if this is so, then one of the reasons for favouring this view evaporates. Although they face their own challenges, institutions offer one way of distributing the responsibilities of a more general collective duty. The responsibility for fulfilling determinate, individual duties will still be easier to locate, but the practical challenges of collective duties do not preclude their specification altogether.

When the determinacy of duties is distinguished from their enforceability or their negative/positive nature, a focus on determinacy appears to be guided either by formalistic or pragmatic considerations rather than moral ones. Determinate duties will be *easier* to claim and to hold people accountable for, but that benefit does not allay the concern that determinacy seems to be undesirably contingent on context. Further, if determinacy comes apart from moral enforceability, it is moral enforceability which maintains the sense of entitlement “which society ought to defend me in the possession of.”²²⁹ It is moral enforceability that gives justice teeth.

3.2 Duties of justice which aim at basic goods

Another way of distinguishing duties of justice and beneficence is to focus on the goods that they aim to preserve and protect. On the most prominent of such views, the distinction between negative and positive duties is still in play, and the legitimacy of negative duties of justice is not in question.²³⁰ Instead, the argument focuses on justifying basic positive duties of justice. “A basic positive duty is one focused on objects, access to which is a necessary condition for the recipient to live a minimally

²²⁹ Mill, 2012b, para. 26.

²³⁰ Gilabert, 2006. I address Pablo Gilabert’s more recent view in the following section: there he explicitly highlights rights as the grounds of justice duties, although basic goods and enforceability are also lower level features of the account (2016). Corinna Mieth’s account might be understood in these terms, but I argue in Section 3.5.1 that her view in fact offers a way of *interpreting* enforceability, rather than a rival.

decent life.”²³¹ This includes standard basic goods such as food, water, health care, education, and housing.

Gilbert argues that basic positive duties are best understood as “enforceable duties of justice” rather than “informal duties of virtue,”²³² and goes on to specify that justice duties are “duties we have, in principle, reason to hold as legally enforceable if their legal enforceability is necessary for their fulfilment.”²³³ Further, the indeterminacy of some positive duties should not dissuade us from considering them duties of justice, as “an institutional structure can be developed so that the general collective duty [...] can be specified in a set of clearly delimited perfect duties.”²³⁴ Taking the example of the general duty to protect people from physical assault:

“Structures would generate, out of the general duty to protect, which is imperfect, a set of specific duties, which are perfect. [...] Thus, imperfect duties are dynamic and can be partly specified as perfect duties once their status as duties of justice is recognized.”²³⁵

In this way, Gilbert hopes to bring both enforcement and a kind of determinacy along with his basic goods account. We should be careful to recognise that honouring the duties established by institutions is not *precisely* equivalent to rendering our individual duties determinate. If we were sure what these collective duties entailed at the individual level, and how we might meet them, we would not deem them indeterminate in the first place. However, institutionalising our duties does offer a promising strategy for managing and realising duties which might otherwise be too indeterminate, by allowing us to specify and allocate them in practice. I adopt and expand on such a view in Chapter 6, when I defend a collective approach to responding to human need.²³⁶

²³¹ Gilbert, 2006, p. 194.

²³² Gilbert, 2006, p. 193.

²³³ Gilbert, 2006, p. 195.

²³⁴ Gilbert, 2006, p. 210. Note that Gilbert is using the perfect/imperfect distinction to indicate something closer to determinacy than strictness.

²³⁵ Gilbert, 2006, p. 196.

²³⁶ Thanks to Philip Cook for emphasising this important point of agreement that my account shares with Gilbert’s.

However, the shortcoming of the basic goods view for the task at hand is that the argument defending basic goods pertains only to basic *positive* duties. It is these duties which must be justified by referring to basic goods in order to be considered enforceable, whereas negative duties are presumed to be so. Therefore, while positive duties rely on their basicness for inclusion, the distinguishing feature of *both* positive and negative duties of justice is their moral enforceability. I suspect that Gilabert couches his argument in the negative/positive distinction primarily as a response to the common sense popularity of the negative duties account. The basicness of the positive duties that Gilabert picks out is morally relevant because this captures the enforceable nature of those duties, and this is what distinguishes duties of justice from duties of beneficence.

3.3 Duties of justice and rights

Gilabert's recent work offers a compound account of duties of justice, wherein duties of justice have three components:²³⁷

- (1) They pertain to moral rights²³⁸
- (2) They preserve or promote people's access to important conditions or goods
- (3) They are, in principle, morally enforceable

Here Gilabert refers to a broader category of conditions and goods than just the standard basic goods, so his argument is not vulnerable to the concern voiced in the previous section.

Although the account has a three-part structure, it is the justificatory power of the rights concerned which determines the relevance of the other considerations:

“There is an explanatory structure within the account of justice such that the importance of the relevant rights determines [...] the justifiability of the enforcement of the duties to protect or promote their fulfilment.”²³⁹

²³⁷ 2016, p. 509.

²³⁸ Gilabert uses ‘rights’ and ‘entitlements’ interchangeably, but seems to have in mind something like ‘moral rights.’

²³⁹ 2016, p. 521.

Unlike the other views I have assessed, Gilabert considers dropping the component of enforceability altogether. It is an intentional implication of this move that it sheds the distinction which is often drawn between personal moral rights and duties, and those which pertain to public life. While third party enforceability carries with it public connotations, moral rights and important goods are equally important in what is often considered personal morality. It is suggested that enforceability is neither necessary nor sufficient for something to be a duty of justice, and the following counterexample is offered:

“An example might be the promotion of certain cultural practices of the kind Rawls discusses when he identifies the task of a hypothetical ‘exchange branch’ of the state in a well-ordered society. An instance of this is public funding for opera houses.”²⁴⁰

For this to be a counterexample, it must be an instance where the relevant duty is not a duty of justice, but it is, in principle, morally enforceable. However, it is plausible that ‘the duty to fund opera houses’ is not a duty of justice, but that this is an instance of a more generalised duty which *is* a duty of justice, such as ‘the duty to provide opportunity for meaningful recreation.’²⁴¹ To the extent that this is a morally enforceable duty, it seems that just such a duty characterises it.

Indeed, problems arise for the account when it relinquishes moral enforceability in favour of the justificatory force of rights. Not all moral rights are duties of justice; consider the moral right to expect a friend or romantic partner to turn up to an agreed meeting. Here the view relies on whether this is an ‘important condition or good,’ but how can we determine whether a good or condition is important? Without the strict reading of basic goods, and without a distinction between personal and public morality, it is difficult to see how such cases can be excluded.

²⁴⁰ 2016, p. 515.

²⁴¹ Nussbaum, 2011, p. 34. Indeed, Gilabert uses this response to the challenge that his view cannot accommodate some plausible duties of justice (p. 20-21). If it is thought that this duty does not have the moral importance which characterises a duty of justice, again Gilabert’s own view is that it is right that some duties of justice will be weightier than others (p. 513).

Finally, the most fundamental challenge for this view is that justice no longer carries the promise of coercive sanction, and so loses the sense of justice as something which society should protect and defend me in the possession of. Once enforceability is out of the picture, it is not clear how a duty being a duty *of justice* provides any additional force. One motivation Gilabert offers for shedding enforceability is the concern that we have some duties of justice even when the duty is beyond the purview of any possible coercive legal structure. For example, “a society without a racist culture would in one respect be more just than a society with a racist culture even if the coercive institutions of both societies were the same.”²⁴² For the sake of argument, I will accept that the coercive institutions of the society with a racist culture are already optimised (and therefore racist *practices* are not in play, and racist value systems are discouraged), but that racist value systems persist. If we accept that such value systems are beyond the reach of coercive institutions, what does it add to say that any accordant duties are duties *of justice*? The claimworthiness of the relevant duties was already established by the qualifier that we were dealing with a moral right. If a duty of justice is not something which society should protect me in the possession of, it becomes unclear why we should distinguish between justice and beneficence at all.

3.4 Thomism on justice and beneficence

I now consider an interpretation of the relationship between justice and beneficence²⁴³ that is quite different to any I have entertained thus far. Stephen Pope gives a contemporary reading of Aquinas’ view, suggesting that duties of justice and beneficence are not so far apart as modern moral philosophy depicts. Rather, duties of justice and beneficence spring from the same source: ‘love of one’s neighbour.’

“Christian love of neighbour and justice cannot be separated. For love implies an absolute demand for justice, namely a recognition of the dignity and rights of one’s neighbour.”²⁴⁴

²⁴² 2016, p. 516.

²⁴³ Pope uses the term ‘duties of charity’ rather than ‘duties of beneficence.’

²⁴⁴ Pope, 1991, p.189 (note 13); quoted from Synod of Bishops, 1976, p. 520.

On this view, justice is an *outward expression* of humanitarian motives, and is “the cardinal virtue that directs our actions towards other people.”²⁴⁵ Duties of beneficence are praiseworthy, and will at times be obligatory.

At the root of the Thomist distinction is the idea of two kinds of debt. Justice is associated with what Pope describes as a legalistic sense of debt, where something is held by one person “but owned and claimed by another.”²⁴⁶ In contrast, duties of beneficence focus on moral debt, mercy, and the ‘rectitude of virtue.’ While duties of justice are always obligatory, moral debt will vary in obligatory force according to the influence a particular debt has on the character of the debtor. Interestingly, Pope claims that in cases of extreme poverty, we may be bound by duties of justice to give surplus goods to the poor.

Although this view is strongly tied to Christian theology, the Thomist conception of justice as an outward expression of humanitarian motives indicates a variety of ways that we might recast the relationship between justice and beneficence in secular philosophy. Distinguishing justice as external and expressive, but in other ways quite strongly tied to beneficence, favours an account of justice as enforceability. This is because the external expression is characterised as obligatory as a recognition of the dignity and rights of one’s fellow human beings. Here, the distinction does not rest on a difference in the *grounds* of the duties (as both are motivated by love of one’s neighbour), but rather on the public *sphere of expression*. The idea of legalistic debt also speaks to the value of the distinction for making claims on others.

The Thomist distinction does not offer a more complete picture of how we might distinguish duties which warrant outward expression from those which do not, and so will require supplementation. However, the legalistic sense of debt aligned with duties of justice on this account directs our attention in a helpful direction, towards the kinds of claims that warrant institutional enforceability.

²⁴⁵ Pope, 1991, p. 170.

²⁴⁶ Pope, 1991, p. 171.

3.5 Enforceable duties of justice

Finally, we come to consider the view that duties of justice are those which are morally enforceable, and duties of beneficence are those which are not. It has taken us some time to reach this point because, while the preceding views often reference enforceability in their accounts of this relationship, they also incorporate other criteria, and each of these required differentiation and discussion, in turn.

I take moral enforceability to be a matter of whether “third parties may be justified in applying sanctions to those who default on them.”²⁴⁷ Specifically, such duties are morally subject to the coercive sanction of institutions. Distinguishing duties of justice along the lines of enforceability is common across a range of views:

“I take it to be a central question here whether we have an *enforceable* obligation to assist the badly off.”²⁴⁸
Narveson [on determining whether duties to the poor are duties of justice]

“To have a right, then, is, I conceive, to have something which society ought to defend me in the possession of.”²⁴⁹
Mill

“Justice ranges over particularly important duties whose fulfilment we are prepared to secure by means of public coercion.”²⁵⁰
Gilabert

“One test of the distinction between justice and humanity is whether those in need are regarded as having enforceable claims to the resources that will meet their needs, and correspondingly, whether potential donors are regarded as being under enforceable obligations to provide those resources.”²⁵¹
Miller

As I have defined it, enforceability is something different to the determinacy of duties. As Allen Buchanan points out, “enforcement is sometimes necessary to secure

²⁴⁷ Miller, 2007, p. 248.

²⁴⁸ Narveson, 2003, p. 420 [emphasis original].

²⁴⁹ Mill, 2012b, para. 26.

²⁵⁰ Gilabert, 2006, p. 195. As we have seen, Gilabert sometimes backs away from this view.

²⁵¹ Miller, 1992, p. 573. Miller’s language here will be problematic for those who conclude that duties to meet needs *are* a matter of justice, as he refers to the potential duty bearers as ‘donors.’

contributions to *collective goods*, [and] in some cases, at least where the collective good in question is extremely important, such enforcement seems morally justified.”²⁵² Examples of such collective goods include clean air or water. Rights to collective goods provide a classic example of correlative duties that are indeterminate, and if we consider any of these to be the kind of duties which are legitimately enforceable, it is empty to deem them beyond the scope of justice simply due to their indeterminacy.

Duties of justice are defined by their *in principle*, or *justifiable*, enforceability. This means that we may have duties of justice which we are not *actually* in a position to fully enforce in practice. For example, it is, in principle, justifiable that we employ legal institutions to use coercive measures to protect citizens from terrorist attacks.²⁵³ However, we may be unable to entirely prevent such attacks no matter our commitment to this duty, or it may be that some measures against such attacks (such as torture) are not all-things-considered justified due to their moral impermissibility. In each case, the duty to protect citizens from terrorist attacks is *in principle* enforceable, despite practical challenges or limits on all-things-considered enforceability. This distinguishes *moral* from *brute* enforceability; simply having the means to enforce a mandate does not render it a duty of justice.

It is likely impossible to enforce duties of justice in the real world in a systematic and global way, such that everyone meets them at all times. Often, the best we can expect to achieve is partial compliance, with some duties of justice either unsuccessfully enforced, or partially or completely unenforced. However, this does not detract from the idea that we can publicly justify the institutional enforcement of some duties, based on their fundamental moral importance.

On this understanding of enforceability, a great deal rides on the kinds of things we take to be justifiably enforceable. Competing views over the domain of enforceability

²⁵² Buchanan, 1987, p. 562 [emphasis original].

²⁵³ Here I take coercion to be “where one agent makes threats to others to impose a disadvantage on them if they do not do what the threatener wants,” which Caney identifies as “the core idea of coercion (found in all leading accounts of coercion)” (2011, p. 520-521).

will differ over the substantive issue of how far legal institutions are warranted in intervening in the lives of the people they serve, and I will not offer a comprehensive account of this substantive issue here. However, such an account is not necessary to the role that moral enforceability plays in the project overall. It will be enough if I can offer an argument that *some particular* duties are morally enforceable;²⁵⁴ beyond that, I need not demarcate all enforceable duties. We might think that there are many reasons for judging a duty morally enforceable, and in the following section I consider three such ways of fleshing out enforceability.

3.5.1 Interpreting enforceability

I now consider three strategies for judging whether a particular duty is legitimately the subject of coercive enforcement: Mill's harm principle, basic goods, and the necessary conditions for human dignity.

Mill's *harm principle* is one natural answer to the question of what duties we might properly consider to be justifiably enforceable, as it has already been applied to defend the principled limits of law in legal theory.²⁵⁵

The Harm Principle: "The only purpose for which power can be rightfully exercised over any member of a civilized community, against his will, is to prevent harm to others."²⁵⁶

Taken as it is, the harm principle would seem to defend a strikingly narrow range of enforceable duties, similar to that of the libertarian reading of the negative duties account. Regulation that is either paternalistic (to prevent harm to the individual) or aimed at collective goods (to provide collective benefits) will be ruled out. Curiously, Mill *does* support some autonomy-enhancing paternalism, as well as regulation aimed at securing collective benefits where failing to act is seen to cause harm.²⁵⁷ Although

²⁵⁴ I have in mind here, of course, duties of responsiveness to need. I argue in Chapter 6 that these duties are morally enforceable, using Mieth and Nussbaum's interpretations of enforceability as developed in the following section.

²⁵⁵ Stanton-Ife, 2006.

²⁵⁶ Mill, 2012a, para. 10.

²⁵⁷ Stanton-Ife, 2006, section 3.6. Examples include education (autonomy-enhancing paternalism) and public safety (a collective good).

this distances Mill from the libertarian negative duties account defended in Section 2.1, it introduces conceptual ambiguities to interpreting harm that make the harm principle less clear and definitive than it first seemed.²⁵⁸

Avoiding exegetical interpretation then, a literal, narrow reading of harm is also subject to challenges. It would be difficult to justify any universal protective state legislation or intervention on such a view, including publicly funded education.²⁵⁹ Further, the principle has difficulty dealing with cases of wrongdoing that do not feature direct harms, but that we do in fact criminalize, and that seem to be prime candidates for criminalization. Stewart calls these cases of ‘harmless wrongdoing,’ and they undermine the *necessary* connection between harm and enforceability.²⁶⁰

Rather than reject the harm principle entirely, we might instead see it as defining one way, *among many*, that a duty might be properly subject to coercive enforcement.²⁶¹ On this reading, one reason for deeming that a duty of justice is morally enforceable is that it prevents harm to others. Such a view would no longer be subject to the challenge that it is overly restrictive, and it seems entirely appropriate that preventing harm to others offers us one moral reason for coercive enforcement. I now move on to consider two additional contenders.

Mieth proposes that duties are institutionally enforceable when they aim at *basic goods*. She defines basic goods as “the substances of basic rights;”²⁶² these are the

²⁵⁸ Stewart (2010) has suggested that even strategies to vindicate the harm principle by relaxing the understanding of harm to include indirect harms will not be successful, as they end up counterintuitively criminalizing conduct on the basis of fear or worry. See also: Holtug, 2002.

²⁵⁹ Mackenzie, 2014, p. 47.

²⁶⁰ Stewart offers the example of rape, which (it is argued) can be perpetrated without directly harming the victim, despite its rank amongst the central instances of crime. The example stipulates that the victim was drugged and has no recollection of the crime, and has suffered no physical or psychological injuries. He adopts this example from Gardner (2007). Another, less central, example of a harmless wrongdoing might include the mistreatment of corpses.

²⁶¹ Stewart, 2010.

²⁶² Mieth, 2008, p. 31.

goods that are necessary to enjoy any further goods, such as security and subsistence. This will include a broader range of duties of justice than a narrow interpretation of the harm principle, and will be able to accommodate the autonomy-enhancing paternalism and collective benefits cases, when those cases pertain to such basic goods. However, it is questionable whether her account will be able to accommodate examples that appear to be duties of justice, but that also arguably do not centre on basic goods, such as the duty to keep contracts. If such duties are considered basic, they significantly widen her stated understanding of basic-ness, leaving her view ambiguous. Again, I suggest that we interpret Mieth as providing *one reason* a duty might be considered morally enforceable: that it pertains to basic goods. In this way, we (potentially) leave space for other ways of justifying contract duties and other duties aimed at non-basic goods, and we do not risk stretching the view beyond its intended meaning.

Finally, I turn to the proposal that moral enforceability is connected to the necessary conditions for a life worthy of *human dignity*.²⁶³ This is the most maximal of the proposals I have offered, and it clearly relies on what we take human dignity to consist in, and what is necessary for securing it. Nussbaum naturally understands human dignity along the lines of the ten central capabilities.²⁶⁴ However, there is a further question of the relevant thresholds of each capability that are necessary for dignity. For example, life is a comparatively basic and limited capability, requiring that we are “able to live to the end of a human life of normal length.”²⁶⁵ However, how should we set the threshold for bodily health, which includes “being able to have good health”?²⁶⁶ This might be understood more minimally in terms of sufficient means to maintain minimal human agency, or more maximally to include “a state of complete physical,

²⁶³ Nussbaum, 2011, p. 167-169.

²⁶⁴ See Chapter 2 Section 3.1.

²⁶⁵ 2011, p. 33. Even here the issue of thresholds arises, as we can define a normal lifespan in a variety of ways (e.g. by reference to the national average of the country you live in, by reference to the life expectancy of a person fitting your demographic characteristics, etc.).

²⁶⁶ 2011, p. 33.

mental, and social well-being and not merely the absence of disease or infirmity.”²⁶⁷ I stress this point about thresholds because it will be of great significance in determining precisely what this view defines as morally enforceable. As such, the view is more helpful when viewed as offering a line of reasoning on which we might defend the moral enforceability of a duty, rather than as a substantive view that offers concrete determinations.

We should expect reasonable disagreement about the kinds of things that are enforceable. Even a negative duties account providing several overlapping criteria for justice duties (negative, perfect, determinacy, and enforceability) produces vast disagreement on the range of duties which are morally enforceable, based on the question of whether global poverty *harms* the poor.²⁶⁸ On the enforceability account that I offer, we are reduced to one fundamental criterion, which arguably leaves a wider scope for disagreement. However, this also serves to accommodate a view of the relationship between justice and beneficence that is focused on the central moral issue that distinguishes justice from beneficence: the legitimacy of third party enforcement. Duties of justice go along with claim-worthy entitlements that can be enforced, but they need not be categorically more determinate, or have an altogether different structure.

I have offered several views on how we might determine whether a particular duty is morally enforceable: the harm principle, the basic goods view, and the necessary conditions of human dignity. Each of these has limitations, but each offers the kind of reasons that bear on the moral enforceability of a duty. Further, we can understand enforceability in terms of a continuum rather than a categorical binary; classical negative duties will likely be definitively enforceable, but others may occupy more liminal regions of classification.

3.5.2 Challenges for moral enforceability

²⁶⁷ WHO, 1948.

²⁶⁸ This is visible in the contrasting accounts of our duties to the global poor presented by Narveson (2003) and Pogge (2007, 2002).

I now consider three challenges for the view of moral enforceability I have defended: lack of guidance, the right to do wrong, and unenforceable duties of justice.

The *lack of guidance* worry is that by specifying that a duty is morally enforceable, we do not say much more than that it is ‘really serious’ or ‘very important.’ Enforceability, on this view, does not add anything of value to our understanding of the duty, and is not distinct from moral importance. However, this objection gets the direction of explanation backwards. The moral seriousness or importance of a duty may well be one way of *justifying* the enforceability of a particular duty, perhaps as a complement to the human dignity line of reasoning. However, it cannot help us to distinguish between duties of justice and beneficence on this view. I have taken justice to be fundamentally about a social or public sphere of the moral domain, with *third party, institutional* enforceability defining its scope. We may well have very important duties of private morality, but if they are not the kind of duty that could, in principle, justify third party enforcement, they are not duties of justice.

The *right to do wrong* challenge speaks to the intuition that we should be able to make morally bad choices without third party intervention to restrict these personal choices. An example of a right to do wrong is one’s moral right not to help a friend in need, or a moral right to support a racist political party.²⁶⁹ The concern here is that by expanding the realm of moral enforceability beyond a minimal interpretation of the harm principle, we intrude in the realm of choice that should be protected for every moral agent. Whether there is a genuine right to do wrong is contested,²⁷⁰ but for the sake of argument, I will grant that here. What is important is that if there is such a right, it is not an unqualified or indefeasible one. Rather, it must be weighed against other considerations, such as the security or subsistence rights of other people. Indeed, even the harm principle is an example of just such a process of consideration: unfettered liberty is weighed against the potential to harm others, and the potential to harm others is found to be more morally weighty. If we do have a right to do wrong, it is appropriate

²⁶⁹ Herstein, 2012, p. 344.

²⁷⁰ Bolinger, 2016; Cohen, 1997.

that this be weighed against other considerations (such as the basic goods and human dignity accounts) when determining whether a duty is a morally enforceable duty of justice.

A final challenge points to a category of duties which are, it is alleged, *unenforceable duties of justice*. The challenge is motivated by the thought that duties of justice are not necessarily legitimately institutionally enforceable. Gilabert offers two such challenges:

(1) “The long cultural struggle by feminists before legal frameworks implementing non-discrimination were established”²⁷¹

(2) “It is not a conceptual impossibility to think of a just society that has no robust, or coercive, institutional structure. An example might be an anarchist society securing liberty and equality for all through arrangements that are thoroughly voluntary.”²⁷²

The challenge presented by (1) is easily dealt with. Although such institutions did not in fact exist, duties of non-discrimination are precisely the kind of duties which *should* be enforceable by institutions, and such institutions should exist. That is, the fact that the institutions necessary for the enforcement of a duty do not exist does not preclude that duty from being a duty of justice; rather, it precludes us from *actually enforcing* the duty.

(2) is not so easily dismissed. We might counter that the ‘arrangements’ referred to must surely amount to an institutional structure on a more generous understanding of the term, but this would dodge the more fundamental point that it is conceptually possible to have a just society without any coercive institutional structures. I acknowledge that this is conceptually possible. However, it does not seem to be a *human* possibility; it does not depict ‘justice for Earthlings.’ Indeed, the anarchist community described is living outside the circumstances of justice, as such harmonious relations existing outside of any coercive structure require more than

²⁷¹ 2016, p. 516.

²⁷² 2016, p. 519.

mutual disinterestedness or limited altruism.²⁷³ While justice for angels may not rely on systems of coercive enforcement, justice for humans does.

4. Conclusion

I have argued that duties of justice are those which are, *in principle*, morally enforceable. I began by examining the negative duties account, and argued that it exaggerates the moral significance of a distinction between negative and positive duties, even if such a distinction can be conceptually maintained. I then considered the prospects for determinacy, basic goods, rights, or Thomist love of one's neighbour giving a better distinction between our duties of justice and beneficence. After finding faults or limits with each rival, I defended the moral enforceability account. I suggested that various lines of reasoning might help us to distinguish what is morally enforceable from what is not, including the harm principle, a basic goods view, or a human dignity view. Although none of these offered necessary and sufficient grounds for moral enforceability in themselves, they demonstrated the kind of reasoning that must be weighed when determining whether a particular duty is properly subject to coercive enforcement.

Why care about the distinction between justice and beneficence at all? Beyond the pragmatic consideration that we are unlikely to eliminate this distinction from our moral and everyday language, duties of justice are often taken to offer stronger ground for public claiming and entitlement. Duties of justice are the kinds of things that we can make claims against, that are enforced by the sword of Lady Justice, and that "can be demanded or insisted upon without embarrassment or shame."²⁷⁴ Further, if one reason for inaction to alleviate global poverty is the lack of coercive enforcement of such obligations,²⁷⁵ then demonstrating that those obligations *are* properly the subject

²⁷³ Rawls, 1999, section 22. It is also possible that this state of unstructured harmony would rely on more plentiful resource availability than would be best described by 'moderate scarcity.'

²⁷⁴ Feinberg, 1973, p. 58-59.

²⁷⁵ Lichtenberg, 2004, p. 79-81.

of coercive enforcement matters for national and international policy. In many ways, it is this core of moral enforceability that seems to me to matter most; if justice is not about enforceability, perhaps enforceability itself should be the focus of our attention.

References

- Ashford, E. (2011). "The alleged dichotomy between positive and negative rights and duties." In C. R. Beitz & R. E. Goodin (eds.), *Global Basic Rights* (pp. 85-115). New York: Oxford University Press.
- Ashford, E. (2006). "The inadequacy of our traditional conception of the duties imposed by human rights." *Canadian Journal of Law & Jurisprudence*, 19(2), 217-236.
- Bolinger, R. J. (2016). "Revisiting the right to do wrong." *Australasian Journal of Philosophy*, 95(1), 43-57.
- Buchanan, A. (1987). "Justice and charity." *Ethics*, 97(3), 558-575.
- Caney, S. (2011). "Humanity, associations, and global justice: In defence of humanity-centred cosmopolitan egalitarianism." *The Monist*, 94(4), 506-534.
- Cohen, A. J. (1997). "Virtues, opportunities, and the right to do wrong." *Journal of Social Philosophy*, 28(2), 43-55.
- Feinberg, J. (1973). *Social Philosophy*. Englewood Cliffs, NJ: Prentice-Hall.
- Gardner, J. (2007). "The wrongness of rape." *Offences and Defences: Selected Essays in the Philosophy of Criminal Law* (pp. 1-32). Oxford: Oxford University Press.
- Gilbert, P. (2016). "Justice and beneficence." *Critical Review of International Social & Political Philosophy*, 19(5), 508-533.
- Gilbert, P. (2006). "Basic positive duties of justice and Narveson's libertarian challenge." *Southern Journal of Philosophy*, 44(2), 193-216.
- Herstein, O. J. (2012). "Defending the right to do wrong." *Law & Philosophy*, 31(3), 343-365.
- Hohfeld, W. N. (1917.) "Fundamental legal conceptions as applied in judicial reasoning." *Yale Law Journal*, 26(8), 710-770.
- Holtug, N. (2002). "The harm principle." *Ethical Theory & Moral Practice*, 5(4), 357-389.
- Johnson, R. (2008). "Kant's moral philosophy." *Stanford Encyclopedia of Philosophy* (Summer 2008 edition), E. N. Zalta (ed.). Retrieved from: <http://plato.stanford.edu/entries/kant-moral/>.
- Kant, I. (1964). *Groundwork of the Metaphysics of Morals*. (H. J. Paton, trans.). New York: Harper & Row.

- Lichtenberg, J. (2010). "Negative duties, positive duties, and the 'new harms.'" *Ethics*, 120(3), 557-578.
- Lichtenberg, J. (2004). "Absence and the unfond heart: Why people are less giving than they might be." In D. K. Chatterjee (ed.), *The Ethics of Assistance: Morality and the Distant Needy* (pp. 75-98). Cambridge: Cambridge University Press.
- Mackenzie, C. (2014). "The importance of relational autonomy and capabilities for an ethics of vulnerability." In C. Mackenzie, W. Rogers, & S. Dodds (eds.), *Vulnerability: New Essays in Ethics and Feminist Philosophy* (pp. 33-59). New York: Oxford University Press.
- McKinsey, M. (1981). "Obligations to the starving." *Noûs*, 15(3), 309-323.
- Mieth, C. (2008). "World poverty as a problem of justice? A critical comparison of three approaches." *Ethical Theory and Moral Practice*, 11(1), 15-36.
- Mill, J. S. (2012a). "Chapter 1: Introductory." In *On Liberty*. Retrieved from: http://ebooks.adelaide.edu.au/m/mill/john_stuart/m645o/chapter1.html#chapter1.
- Mill, J. S. (2012b). "Chapter 5: On the connection between justice and utility." In *Utilitarianism*. Retrieved from: http://ebooks.adelaide.edu.au/m/mill/john_stuart/m645u/index.html.
- Miller, D. (2007). *National Responsibility and Global Justice*. Oxford: Oxford University Press.
- Miller, D. (1992). "Distributive justice: What the people think." *Ethics*, 102(3), 555-593.
- Nagel, T. (1977). "Poverty and food: Why charity is not enough." In P. G. Brown & H. Shue (eds.), *Food Policy: The Responsibility of the United States in the Life and Death Choices* (pp. 54-62). New York: Free Press.
- Narveson, J. (2003). "We don't owe them a thing! A tough-minded but soft-hearted view of aid to the faraway needy." *The Monist*, 86(3), 419-433.
- Narveson, J. (n.d.). "Libertarianism: A philosophical introduction." *Against Politics*. Retrieved from: <http://againstopolitics.com/jan-narveson-libertarianism-a-philosophical-introduction/>.
- Nussbaum, M. (2011). *Creating Capabilities: The Human Development Approach*. Cambridge: Harvard University Press.
- O'Neill, O. (1996). *Towards Justice and Virtue: A Constructive Account of Practical Reasoning*. Cambridge: Cambridge University Press.
- Overland, G. (2005). "Poverty and the moral significance of contribution." *Journal of Moral Philosophy*, 2(3), 299-315.
- Pogge, T. (2007). "Eradicating systemic poverty: Brief for a global resources dividend." *International Journal on Human Rights*, 6(4), 137-158.
- Pogge, T. (2002). *World Poverty and Human Rights*. Cambridge: Polity Press.

- Pope, S. J. (1991). "Aquinas on almsgiving, justice and charity: An interpretation and reassessment." *Heythrop Journal*, 32(2), 167-191.
- Rawls, J. (1999). *A Theory of Justice* (revised edition). New York: Oxford University Press.
- Shue, H. (1980). "Chapter 1: Security and subsistence." In *Basic Rights: Subsistence, Affluence, and U.S. Foreign Policy* (pp. 13-34). Princeton: Princeton University Press.
- Stanton-Ife, J. (2008). "The limits of law." *Stanford Encyclopedia of Philosophy* (Winter 2008 edition), E. N. Zalta (ed.). Retrieved from: <http://plato.stanford.edu/entries/law-limits/>.
- Stewart, H. (2010). "The limits of the harm principle." *Criminal Law and Philosophy*, 4(1), 17-35.
- Synod of Bishops (1976). "Proclaiming justice and peace." In J. Gremillion (ed.), *The Gospel of Peace and Justice* (no. 34). Maryknoll, NY: Orbis Books.
- Valentini, L. (2015). "Social Samaritan justice: When and why needy fellow citizens have a right to assistance." *American Political Science Review*, 109(4), 735-749.
- Wenar, L. (2015). "Rights." *Stanford Encyclopedia of Philosophy* (Fall 2015 edition), E. N. Zalta (ed.). Retrieved from: <https://plato.stanford.edu/archives/fall2015/entries/rights/>.
- World Health Organization [WHO] (1948). *WHO frequently asked questions*. Retrieved from: <http://www.who.int/suggestions/faq/en/>.

Chapter 4: Need and Moral Normativity: A First Pass

1. Introduction

When beginning this inquiry into the moral importance of need, I started with an exploration of needs and their ends (see Chapter 1). There I argued that it is particular ends which make some needs morally important, and distinguished such needs from merely instrumental needs. Contemporary moral and political philosophical accounts of need tend to approach it from this vantage point of ‘needs,’ which made it a natural way to begin. However, in this chapter, I will shift my focus somewhat to question ‘needing’, and what makes someone needing something morally important.

Recall the three-part relation of need:

X needs Y in order that Z.

(Where X represents an entity – in this context, a human being – and Y represents a necessary condition to the end state Z obtaining.)

Needs are here understood in terms of the necessary condition (or Y-term), which tends to focus attention on the things that satisfy needs – as in need for water, food, or housing. By focusing on needing, we shift attention to the entity that is in need (or X-term). This brings out a sense of vulnerability: “my needing *x* is a state or condition of dependency upon *x* with respect to some non-negotiable good.”²⁷⁶

In some ways, the questions that present themselves in respect to ‘needing’ are opposite to those when considering ‘needs.’ Focusing on needs, we are inclined to ask what needs are, how we can distinguish them from neighbouring concepts such as desires, what kinds of things people need, and possibly even mount a list of the most basic needs. In contrast, needing, or a person ‘in need’, is more immediately salient. Here questions cluster around the response or ‘pull’ felt when witnessing someone in

²⁷⁶ Wiggins & Dermen, 1987, p. 63.

need – the source of the normative pull experienced, and when and how this pull is morally warranted.

We might think that “the brute fact that a person is in serious need is a compelling *prima facie* reason”²⁷⁷ for action. If this is true, then we can question whether such apparent reasons obtain when all things are considered, but we cannot inquire any further into the normativity of need; the brute fact itself compels us, and there is nothing further to say. However, people can and often do disagree about when a person is properly considered to be in serious need, and whether needing in itself establishes any kind of moral demand on others. This being the case, we should look for the strongest defensible case for the moral importance of need in itself, in order to determine how seriously we should take the normativity of need.²⁷⁸

In this chapter, I survey the most prominent accounts of the normativity of need in existing needs literature: ‘intrinsic normativity,’ ‘moralism,’ ‘avoiding harm,’ and ‘vulnerability to coercion.’²⁷⁹ I will focus primarily on theorists who provide an explicit explanation of need’s normativity, as implicit versions are often too ambiguous or incomplete to be of much help.²⁸⁰ I assess each in turn, and finally suggest that each is unsatisfying, too limited, or neglects an element of need which is crucial to providing the best possible account. The strongest possible account should retain the practical merits that need is often taken to have as a concept – namely intuitive moral force and simplicity – and survive critical scrutiny and interrogation.

²⁷⁷ Elazar, 2003, p. 5.

²⁷⁸ For the remainder of this chapter, I am focusing on the normativity of *morally interesting* need, which as we have seen in Chapter 1 does not extend to just any expressed or felt need.

²⁷⁹ These four views can be interrelated, and each theorist brings their own nuance to the more general category, but the general categories will be accurate enough to be helpful as a heuristic.

²⁸⁰ One notable exception of a needs theorist whose explicit account of normativity I will not consider here is Lawrence Hamilton (2003). His work is of a critical, historical bent and focuses on the normativity of *felt* needs (termed by Thomson and others ‘false needs,’ (1987, p. 31)), as well as their generation and legitimation. He does not accept a categorical distinction between needs and wants, which is important to the normative story developed in this and the following chapter. Therefore, the two projects are quite distinct: see Introduction Section I.iii.

Further, it should not rely on a comprehensive moral doctrine which is itself highly contested (for example, defending the normativity of need exclusively on the grounds of the principle of utility).²⁸¹

Needs theory has enjoyed a level of critique, but often this has been centred on concerns about implementation, demandingness, paternalism, or coherence (i.e. whether needs can be distinguished from preferences, etc.). Relatively little critical engagement has been offered, even between theorists who substantively disagree, on the normativity of need. I hope that my critiques in this chapter are seen for what they are: friendly attempts to build the best possible defence of the normativity of need. Each view contains its share of insight, and although I will ultimately suggest that the four proposed accounts cannot be accepted as they stand, the original account I offer in Chapter 5 will explicitly draw from the insights gleaned in this chapter – in particular, from the ‘avoiding harm’ and ‘vulnerability to coercion’ approaches.

2. Intrinsic Normativity

I begin by examining the view that needs are intrinsically normative: they impose moral demands on us which call us to action in a way that is not mediated by any further considerations, and cannot be explained by anything more than the need claim itself. This view is sometimes paired with the contention that needs are not reducible to any other concepts, and so are in at least one sense *fundamental*. They cannot be analysed in terms of values, rights, interests, harm, or any other basic moral category, and must be considered a basic moral category in their own right. I have offered an understanding of need in terms of interests in Chapter 1, and I respond to the irreducibility view in Chapter 2, so I will not engage with it here.

The intrinsic normativity account is sometimes suggested in passing by theorists who ultimately offer another story of need’s normativity:

²⁸¹ List & Valentini, 2016, p. 23.

“Needs already have moral force, I want to say *prima facie*, and by the very use of the term. That’s one reason why the concept of needs is so much abused; it pulls, or at least tends to pull, on people’s heartstrings.”²⁸²

However, the archetypal defence of this view is found in Soran Reader and Gillian Brock’s 2004 ‘Needs, moral demands, and moral theory,’ and I will focus on it for the remainder of this section.

Reader and Brock argue that needs are a basic element of moral practice, and that one of the defining features of the moral agent is that they will recognise the need of others as normative. All moral agents just will, characteristically, consider needs to be morally normative. The discernment of need is part of what it means to be a skilful moral agent:

“Non-contingent needs have normative properties within moral practice which constrain what moral agents may do. In practice, things in the world – a piece of wood, some apparatus, a need – guide agents in a particular skilled activity – playing chess, doing science, or acting morally. So needs are moral demands for moral agents in the sense that the actions of moral agents are guided by them.”²⁸³

If a person who considers herself a moral agent does not find need normative, this is an indicator not of a divergent moral perspective, but rather a failure to master moral practice:

“If you do not see that the need constitutes a moral demand in such cases, what we will probably say is not that we need a better argument to prove the moral importance of needs, but rather that you have not yet mastered normal moral practice. [...] Someone who does not understand that non-contingent needs impose moral demands does not understand what it is to be a moral agent.”²⁸⁴

As the selected quotes suggest, much of this view seems to hinge on a prior commitment to (or rejection of) moral practice. This is not unexpected, as we should

²⁸² Braybrooke, 2005, p. 218. See Section 4 for Braybrooke’s version of the ‘vulnerability to coercion’ account.

²⁸³ 2004, p. 253. Reader and Brock are here using ‘non-contingent’ need in a way that is roughly analogous to my category of ‘non-arbitrary’ need: see Chapter 1.

²⁸⁴ Reader & Brock, 2004, p. 258.

not expect need to be morally normative for those who are not engaged in the practice of morality. Indeed, it would be surprising to find an account of the normativity of need which suggested that need is morally normative even for those who have rejected moral practice.²⁸⁵ However, Reader and Brock may ultimately commit themselves to that position when they go on to distinguish public and private morality.

Reader and Brock posit that the normativity of need operates differently in private and public morality. *Private morality*, on their view, is concerned with the specific moral relationships that we are all engaged in as particular, individual persons. Private morality dictates that I must take the needs of those I am in a moral relationship with to be (defeasible) moral demands. For example, I am in a moral relation of friendship with some fellow persons, which requires (among other things) that I be disposed to meet the non-contingent needs of those persons, where appropriate. The story of need's normativity that Reader and Brock offer for private morality matches that outlined above: *insofar as I am committed to moral practice*, I will (and must) take the needs of those I am in a particular moral relationship to make demands on me. Although this normativity will exclude those outside of moral practice, as we have seen, this is to be expected. However, private morality will excuse us recognising and responding to any need outside of the personal relationships we are already in, and so Reader and Brock offer a further sphere of morality to capture the needs of people with whom we do not have personal relations.

Public morality is more general, and is not concerned with particular moral relationships. As public morality is generalised, it addresses only those basic needs which are shared by people as such: agency, life, flourishing, or harm. Further, need is normative in a different way in the public sphere:

²⁸⁵ Does morality continue to make moral demands of those who do not (or cannot) participate in moral practice? I will remain agnostic here, but suffice it to say that such people will not find anything *intrinsically* morally demanding. Where further justifications are available, we should defer to them – where they are not, and I suspect any argument for moral normativity will ultimately reach such limits, we must accept that some people are incapable of responding to moral demands.

“[N]eeds are combined into lists, and are held to be intrinsically demanding, rather than simply being that which we in fact use as morally demanding in our practices as they are, as in our practice-based account [of private morality].”²⁸⁶

This characterisation of normativity is not immediately clear. We have already seen that, in private morality, recognising need as morally normative *just is* a part of what it means to be a moral agent. That is one way that normativity could be intrinsic: for anyone engaged in moral practice, needs *just do* present themselves as moral demands, in a way that requires no additional justification. However, if normativity is different in the public sphere, as Reader and Brock contend that it is, this cannot be the sense of ‘intrinsic’ used here. As Reader and Brock do not provide further clues, I can think of only one other sense of ‘intrinsically demanding’ consistent with their account: that need forces moral demands on us irrespective of our participation in moral practice. This would be a strange view, in that those operating outside of moral practice characteristically would not respond to (or perhaps even fully recognise) moral demands. For such agents, it would be particularly unsatisfying to claim that need simply is intrinsically normative, and some additional normative justification must surely be offered if we are to expect success.

In fairness to Reader and Brock, they shift from arguing in decisive terms such as ‘needs *have* normative properties’ to the more arms-length language of ‘needs *are held to be* intrinsically demanding’ when they talk of intrinsic normativity in public morality. Perhaps, then, they are indicating that this is a rhetorical feature of public morality – we must talk of needs in this way, for example, in order to hold people categorically accountable for meeting needs in the public sphere. The explication of intrinsic normativity offered for private morality is clearest, and it is consistent with the picture of normativity offered after the authors have addressed the public sphere.²⁸⁷

²⁸⁶ Reader & Brock, 2004, p. 255-256.

²⁸⁷ For example: “We are social animals, embedded in moral practice. We encounter needs, and normally meet them. Sometimes our own needs, sometimes those of others. If I see that you are hungry, I offer you something to eat” (p. 258). In summing up, the authors also refer to “the evident normativity of needs” (p. 266).

Therefore, I will direct my response to the version of intrinsic normativity offered in favour of private morality: needs *just do* make moral demands on moral agents.

As someone who deems needs theory worthy of attention to such a degree that my thesis is focused on it, I should perhaps be among the people most inclined to accept the intrinsic normativity of need. Until I was presented with critical questions as to why ‘someone else’s need should matter to me,’ I was quite happy to make decisions in everyday life (and in bioethics research) with a kind of default assumption of need being morally important. However, broader social and political practice demonstrates that not everyone shares this assumption, and I suspect it would be facile to simply dismiss dissent as belonging to agents outside the bounds of participation in moral practice.

Perhaps more importantly, I suspect that something more *can* be said on the matter. For example, Reader and Brock rightly notice that it is not just any entity whose need matters morally – they have restricted their focus to human beings.²⁸⁸ If we find the normativity of need too obvious or common sense to interrogate at first sight, this strikes me as a promising way of entering the inquiry. For example, we might start with questioning why human need matters morally in a different way than the need of other entities (if it does). This is something that many need theorists implicitly assume, and if this presumption is defensible it may then lead us on to further insights. The *grounds* for focusing on human need, or for giving it higher moral importance than need in non-human animals or other entities, might offer clues to the normativity of need.²⁸⁹

Moreover, providing a deeper story of the normativity of need does not require that we intellectualise the *phenomenology* of experiencing, recognising, and responding to need. If this is a concern, there are many ways of understanding moral behaviour as benefiting from good emotional or cognitive habits that help us to effect moral

²⁸⁸ For my comments on the moral importance of need in non-human animals, see Chapter 5 and Conclusion Section 3.3.

²⁸⁹ I offer my own view in Chapter 5, where I focus on morally relevant capacities.

judgment and action in the moment, and such approaches need not debunk the underlying or justificatory grounds on which we distinguish right from wrong or good from bad.²⁹⁰

I suggest that if more can be said to defend the moral normativity of need, then it is worth exploring. The ‘intrinsic’ account is uniquely unhelpful for responding to critics of the moral importance of need who take themselves to be equal participants in moral practice with the rest of us.

3. Moralism

The moralist shares Reader and Brock’s focus on moral practice, but is particularly concerned with the necessary conditions for us to make moral judgements about practices outside of our culture or social sphere. If we are truly committed to our morality and its claims about the moral good or right action, then we will take this to be *the* measure of the good or right action, and hold that all moral agents should behave accordingly. However, judging the actions of others requires that their behaviour was the product of genuine choice. So, to the extent that we consider ourselves to have hit upon the true morality, we must provide all moral agents with the necessary conditions for genuine moral choice, such that their actions can be judged by our moral standards.

This view is primarily championed by Len Doyal and Ian Gough in their landmark 1991 *A Theory of Human Need* and subsequent writings. They cite an early version of the argument in Raymond Plant, Henry Lesser, and Peter Taylor-Gooby’s work,²⁹¹ but Doyal and Gough’s work has been highly influential in needs theory and defended over the course of decades,²⁹² so I will take their account as the canonical ‘moralist’ approach.

Doyal and Gough state their argument clearly:

²⁹⁰ For example: Silverstein & Trombetti, 2013; Sauer, 2012a, 2012b; Nichols, 2002.

²⁹¹ 1980.

²⁹² For example, see: Gough, 2015, 2014; Doyal, 1998.

“The measure of our moral commitment is our willingness to take seriously its categorical character – its applicability to everyone and not just to those with whom we already profess agreement. If our good is *the* good then we must believe that *all* individuals should do their best to act accordingly – irrespective of their own moral values. If one believes, for example, that female circumcision is an affront to all women, or that the isolation of old people is an outrage, then the practice must be morally condemned – whatever the justification used by participants. However, if we believe that others should do their best to be good in our terms then we must also accept that they have the *right* to try do so [sic]. Yet for this prescription to be any more than a hollow moral abstraction, it also follows that they should have the right of access to those conditions which make such a choice a real physical, emotional and intellectual possibility: the right to *optimal* need-satisfaction.”²⁹³

Note that they are establishing here not just the moral normativity of need, but a right to need satisfaction with stringent correlative duties. Throughout their work, they connect needs and rights, and for Doyal and Gough the reasoning used to answer the question of “whether people’s needs *should* be met”²⁹⁴ is the same which establishes a right to need satisfaction.

A further note on the particularities of their account is necessary. It might be thought that need satisfaction is too low a bar to establish sufficiently genuine choice for attribution of blame and moral condemnation, given that on some theories of basic needs this will only include the barest of necessities for continued survival or minimal agency. We might think, say, that even the person whose minimal agency is sustained by meeting their most basic needs for sustenance, shelter, and security, cannot be said to genuinely choose whether to be complicit in cultural practices which may be upheld by threats or coercive force. Further, they may be subject to adaptive preferences, wherein they internalise conditions of oppression, and their preferences and choices are constrained by those conditions.²⁹⁵ However, Doyal and Gough’s basic needs have a liberationist bent to them. The two basic needs they offer are physical health and personal autonomy, but their personal autonomy is a much more demanding notion

²⁹³ 1991, p. 102-3 [all emphasis original].

²⁹⁴ 1991, p. 91 [emphasis original].

²⁹⁵ Colburn, 2011.

than any minimal agency approach will accommodate.²⁹⁶ On their view, personal autonomy includes not just the psychological capacity to deliberate and the availability of opportunities to act and choose, but also *critical autonomy*. Critical autonomy involves the combination of freedom of agency (being able, in principle, to choose) and political freedom (participation “in agreeing to or changing the rules of a culture”²⁹⁷). This means that the example I provided would not meet their standards of need satisfaction, as the agent clearly is not in a position to participate in forming and reforming their culture’s presiding moral norms. Therefore, the agent would not be subject to our moral condemnation, as the conditions for genuine choice have not been met.

We come now to consider the promise of the ‘moralist’ account of the normativity of need. I suggest this view offers an important insight: that of understanding basic needs as *necessary conditions* for some other end, in this case genuine moral agency and choice. As I argued in Chapter 1, this allows us to avoid the charge of arbitrariness in declaring some needs as basic and others as non-basic. However, seen as an account of the normativity of need, I suggest it faces at least three concerns.

The first is that the argument as it is stated does not necessarily establish its conclusion. The thought is that if we are truly committed to the morality we defend, we will consider its demands to apply to *all* people; and this would be unfair if all people did not have access to the necessary conditions for real choice. Therefore, we must provide such conditions through optimal need satisfaction. However, this line of reasoning assumes that the duties of the morality we are committed to are unconditional – that is, they make demands on us even if we do not have access to the necessary conditions for meaningful choice. We might instead think that when morality commands all

²⁹⁶ Soper, 1993, p. 121; also, see my view in Chapter 1. I defend a more minimal set of ‘basic needs’ along the lines of existential urgency, and those conditions which are necessary for any level of flourishing. On my account, there is still space for seeing something like Doyal and Gough’s ‘critical autonomy’ as a genuine, non-arbitrary need necessary for flourishing – however, it will not qualify as a ‘basic need’ as it does not accord with the understanding of ‘basic’ I adopt, in line with thinkers such as Henry Shue.

²⁹⁷ Doyal, 1998, p. 162 [original emphasis removed].

people, it does so conditionally: those who can choose to act morally, should. If this is right, then another fair alternative to universal need satisfaction would be release from conditional moral duties when those conditions are not satisfied, and likely an accordant absolution from blameworthiness or sanction. To address this neglected alternative would require Doyal and Gough to defend a view requiring any reasonable morality, that we are truly committed to, to mandate *unconditional* universal duties. Such a move would be undesirably contentious, and their account as it stands does not offer any such defence.

The second concern is one of *reach*. For example, on this account, anyone subscribing to a particularist or contextualist view of morality at any level will not be moved by the need of people outside their moral sphere. This is strange, as moralism does not appear to be necessary to feeling the normative pull of the needs of others. Further, Doyal and Gough mandate *optimal* need satisfaction, which will necessarily go beyond any more minimalist or sufficientarian demands. It is often thought that sufficientarian reasoning may require meeting some extremely minimal needs for survival for all people, and that above this low threshold such a morality may be silent, allowing for the narrowing of the moral sphere to co-nationals or those with whom we enjoy some other moral relationship. However, Doyal and Gough's view of the moral good is clearly not a sufficientarian one, nor is it compatible with such views. Their concern appears to be that if we do not provide the "preconditions for the optimal pursuit of virtue,"²⁹⁸ any right action from those who are not in a position of genuine choice will be "a bland conformity of action [that] is a form of conceptual and emotional slavery."²⁹⁹ This concern motivates the inclusion of critical autonomy as a basic need, and the optimal provision of need satisfaction. However, this level of liberationist need satisfaction is so demanding that it is not clear that even middle-class citizens of wealthy developed states can be said to have their most basic needs met. I consider that there is something telling in this result, but that ultimately it comes at too great a

²⁹⁸ Doyal & Gough, 1991, p. 103.

²⁹⁹ Doyal & Gough, 1991, p. 103.

cost if it requires explaining the normativity of need in terms that sufficientarians cannot accept, given the popularity of sufficientarian logic in other versions of needs theory.³⁰⁰

Further, this account might allow those who are ideally situated to contribute to need satisfaction to get off the hook. For example, a person who has amassed wealth and power and purchased vacation homes in a range of impoverished countries (whose cultures are various and whose moral norms are sufficiently distinct), would on this view have no reason to be moved by first-hand observation of extreme need of other people if that person did not also hold to a version of morality which judges cultural practices beyond cultural borders. Whatever we might *expect* of the person's reasoning, emotions, or action, we might think they *should* be moved in some way, or that they have reason to be moved.

A third concern with the 'moralist' approach is that the source of normativity here appears to reside in one's own moral convictions about the universality of the moral good, rather than in any response to or concern for the being in need. The reasoning appears to be that if we expect others to abide by the standards we advocate, we must provide them with the means to abide by those standards, otherwise moral condemnation for failure would be misguided. Although this seems right, it seems a strange reason to consider need to place moral demands on us. I cannot think how to express this confusion other than to question: what about the being in need? It seems to me that an acceptable story of moral normativity should feature some connection or relation to their position or concerns, and the two following accounts will shift focus to take just such a view.

In summary, the moralist account of the normativity of need does not sufficiently establish its conclusion, and is undesirably restricted in reach: it cannot accommodate even sufficientarian moral logic, which would exclude some who are moved by needs enough to be needs theorists. Further, it disregards sources of normativity which are

³⁰⁰ For example: Juth, 2015; Fabre, 2002; Wiggins, 1997.

more immediate and compelling. Therefore, we should continue looking for an approach which speaks to deeper grounds of normativity, and is not so restricted in reach.

4. Avoiding Harm

Avoiding harm, or avoiding serious harm, is a common theme in many theories of the moral importance of need. For some it is the ultimate end which our needs are directed toward (as in ‘X needs Y in order to avoid serious harm’).³⁰¹ For others, it is a consideration in favour of taking needs seriously in moral and political practice.³⁰² However, in this section I examine two views which argue that avoiding harm features in our best justification for the normativity of need. I first consider Garrett Thomson’s view which centres on ‘extremity of harm,’ and then move to Wiggins’ view that unmet need amounts to harm that gives us a good ‘reason to opt out of social cooperation.’

4.1 Extremity of harm

For Thomson, harm is at the centre of a range of claims of necessity. First, it is the end of all fundamental needs: “A person has a fundamental need for x if he must be inescapably and seriously harmed so long as he lacks x .”³⁰³ Further, avoidance of harm is a natural necessity, which makes it a practical necessity:

“Objects of need are practically necessary because they are naturally necessary. The fact that needs are a matter of priority and that true need claims are unimpeachable is a consequence of what needs are, and it is because of this that needs are objective.”³⁰⁴

³⁰¹ Thomson, 2005, 1987; Wiggins, 2005, 1998; Frankfurt, 1998; Copp, 1998; Wiggins & Dermen, 1987.

³⁰² Referencing a Rawlsian, contractarian choice scenario and its possible outcomes: “Being unable to meet our basic needs must be one of the greatest harms that can ensue” (Brock, 2005, p. 56).

³⁰³ Thomson, 1987, p. 90.

³⁰⁴ 1987, p. 124.

This is because, whether or not we want to avoid harm, harm has a disvalue because it deprives us of intrinsic goods.³⁰⁵

Need and its normativity enters the picture because all true needs are aimed at avoiding *serious* harm. While there are many degrees of harm, being deprived of one's fundamental needs is a particularly serious form of harm:

“Needs are important because the harm suffered by a person when he lacks what he needs is especially serious. In the extreme, a person literally cannot do without what he needs; without it he is deprived of being an agent and a subject of experience at all.”³⁰⁶

Although this passage does not explicitly reference *moral* importance, this is the extent of the argument offered for the normativity of need – meeting need is inescapable if we are to avoid extremely serious harm, which we cannot help but have interests in avoiding. Therefore, we have good reason to meet need.

Thomson's argument is straightforward and relatively pared down, and in this sense shares something with the 'intrinsic normativity' argument of Reader and Brock. Moreover, his emphasis on the seriousness of harm when fundamental needs go unmet seems to me well-placed. On his account, we focus squarely on the being in need as the source of normativity, unlike the moralist's narrative. We might elaborate on this theme, drawing on Shue's notion of the “morality of the depths”³⁰⁷ to speak to the moral importance of crossing the line between harm and serious harm. However, Thomson's argument moves too quickly, and we should not make the same mistake.

Thomson moves from natural to practical necessity in the blink of an eye. From the fact that the objects of need bear natural necessity for the needing being, he concludes that they have practical necessity – seemingly not just for the needing being, but for any rational (or moral?) agent. As Richard Keshen notes, this assumes that “morality

³⁰⁵ 1987, p. 38.

³⁰⁶ 1987, p. 127.

³⁰⁷ 1996, p. 18.

is necessarily and essentially concerned to mitigate harm.”³⁰⁸ Although Keshen is ready to accept this caveat, this move is both a significant and a controversial one. This move will alienate all moral theorists who consider right action, virtue, flourishing, or any other basic moral concept to be the proper focus of morality – which we should avoid doing, unless we have no viable alternatives. Further, it means that the simplicity of Thomson’s argument is illusory, or at least borrowed from implicit premises which carry serious explanatory burdens with them when they are made explicit.

Because Thomson does not defend his view of morality, we also cannot see the connection between *my* having a need (meaning that I have an interest in avoiding serious harm which carries natural necessity, and therefore also practical necessity *for me*) and *anyone else* being moved by that need. He argues that each of us has objective interests in avoiding serious harm, but it is not clear to me how that results in other beings, with their own interests, being moved to action on my behalf. It is this connection that we are most concerned with in this chapter, so unfortunately, Thomson’s theory is at best incomplete for our purposes.³⁰⁹

4.2 Reason to opt out of social cooperation

David Wiggins offers an alternative way of understanding the importance of avoiding harm in understanding the normative force of need. Like Thomson, Wiggins takes ‘avoiding harm’ to be the proper end of morally important needs.³¹⁰ Further, he considers that this end gives us a first answer as to how need is normative:

“Given this account of the word’s content, it becomes unsurprising that ‘need’ taken in the absolute sense should have the special point and force it appears

³⁰⁸ 1989, p. 180.

³⁰⁹ A further concern we might have for Thomson’s account, even if it were completed, might centre on his understanding of harm. He provides a non-comparative account of harm, such that being deprived of primary goods is a harm, whether or not we can describe ourselves as being ‘worse off’ by comparison to any counterfactual or previous state. Many philosophers have been suspicious of the moral significance of this kind of harm, or indeed whether it is best thought of as ‘harm’ at all. For example, see: Thomson, 2010; Parfit, 1987, section 126.

³¹⁰ Wiggins, 1997.

to have [...]. It is also to be expected that, so understood, ‘need’ should be normative or evaluative, and normative or evaluative *in virtue of its content*.”³¹¹

So again, it is the avoidance of harm that is intended to do normative work.³¹²

Wiggins does not pause to elaborate in any further detail how need and the avoidance of harm comes to have *moral* force for others, but he does offer an account of its *political* force. The significance of this distinction is not clear, but when he shifts to political force, he also shifts to a form of public justification: that is, how could we defend the importance of need to others, and establish it as a priority for public policy or intervention. Therefore, I suggest that this argument for the political force of need be seen, for our purposes, as a supplement to his earlier claim that need has normative force, as it will help us to understand the kinds of reason he might offer to defend need’s normativity.

He claims that a person is entitled to have their need met when being denied such satisfaction would give

“part or all of a reason, and a reason that is avowable and publicly sustainable within S [a given social morality], to reconsider his adherence to the norms of reciprocity and cooperation sustained by S.”³¹³

That is, unsatisfied need gives us a reason to withdraw support for, and cooperation with, society. This line of reasoning sits well with the thought that at least one justification for the existence of states is their ability to foster cooperation and collective action; cooperation matters for achieving important social and human

³¹¹ Wiggins, 1997, p. 10-11, emphasis original.

³¹² That is, if we take Wiggins at his word. Later in the same chapter, he allows that need claims are always relative to flourishing, as harm is always comparative in this way: “The suggested elucidation in terms of harm exposes a certain parameter that is always there to be discovered within claims of absolute needing. This is the idea, not innocent of the metaphysics of personhood, of well-being or flourishing, by reference to which we make judgments of harm” (p. 11). This is an unusual way of understanding the comparative nature of harm, and suggests to me that flourishing may be doing more work in his view than Wiggins admits. However, for the purposes of this chapter, it will be most expedient to take Wiggins at his word.

³¹³ Wiggins, 1998, p. 42.

goods. However, as Wiggins' argument suggests, people must have reason(s) to cooperate with others, and if their most basic needs to avoid harm are going unmet, they have at least one reason *not* to cooperate: that they are still subject to vital harm under the conditions of cooperation. We do not want to give people reason not to cooperate with us, as it is only through cooperation that we can secure important goods, and so we should seek to meet people's needs.

Brock takes issue with the importance of the *intelligibility* of the reason we have to withdraw cooperation.³¹⁴ Concerned with defending need against libertarian critics, she cautions that the libertarian will simply consider unmet need not to be an intelligible or avowable reason to withdraw from social cooperation. I agree that this account would have to face such a challenge from libertarians. However, providing a defensible understanding of intelligibility is not obviously impossible – for example we might draw on Rawlsian notions of public reasons – and therefore this does not give us sufficient reason to reject the account.

One appeal of Wiggins' approach is its emphasis on the importance of cooperation. Although he does not explicitly go this far, foregrounding the pragmatic necessity of cooperation in this way is suggestive of an underlying recognition of the inherent vulnerability of the human condition, and especially that of the *individual*. His account also recognises that we must be mindful of the being in need, the harm they are subject to when their needs are unmet, and the fragility and contingency of social cooperation. Perhaps due to his attention to need's political force, Wiggins turns our attention to *justifying ourselves* to those in need, who are subject to the outcome of our decision-making.

One limitation of the view, however, is its scope. If this were the only justification we could offer for need's moral normativity, we could not include the need of those who are not in a relation of social cooperation with us, as part of a given social morality.

³¹⁴ 1996. In the first edition of *Needs, Values, Truth*, Wiggins uses the phrase “an intelligible reason” (1987, p. 32) rather than “a reason that is avowable and publicly sustainable” (1998, p. 42).

We would need to have a very idiosyncratic understanding of what it means to be part of a ‘social morality’ to consider that such a morality obtains globally. Wiggins seems to have in mind demarcation along the lines of societies and states, which would disregard the need of many outside of such borders.³¹⁵ Further, we might worry that even those within our borders who are not capable of “adherence to the norms of reciprocity and cooperation” would be neglected – although this could be accounted for by a nuanced notion of cooperation as defended by contemporary contractarians.³¹⁶

Most fundamentally, it does not seem to be a condition of the normative pull of need that it attaches only to those in a relationship of social cooperation with us. The profound force of the stories of migrant children left to die in their attempt to escape conflict and destitution cannot plausibly be traced to such a source, and their resonance was felt across borders.³¹⁷ Therefore, our search for the strongest account of the normativity of need cannot stop with Wiggins, although his insight into the importance of justifying ourselves to those in need is a lesson worth carrying forward.

5. Vulnerability to Oppression

The final kind of view I will consider is concerned with the unique vulnerability of having your basic needs unmet. The seriousness and urgency of basic needs means that when they are unmet, we are subject to the whims of those who are able to meet our needs. This subjection is particularly destructive of agency and mutual respect. Therefore, we must reduce or meet need in order to deal justly or respectfully with those in need. Onora O’Neill and David Braybrooke offer similar accounts of the

³¹⁵ Perhaps we could reinterpret Wiggins, such that we keep his focus on social cooperation and reciprocity, but focus on *human* cooperation, disregarding the ‘social’ limit. Such an account would hinge on how we could meaningfully consider all human life to be in relations of reciprocal cooperation. In Chapter 5 Section 3.5, I discuss Sarah Clark Miller’s Kantian care ethical approach to the normativity of need, which is the closest approximation of such an account available in needs literature.

³¹⁶ For example, see Becker on a suitably expansive notion of reciprocity, accommodating the inclusion of people with profound disabilities (2005).

³¹⁷ Merriman, 2016. Arguably this also demonstrates the failure of that normative force to generate effective political solutions.

moral normativity of need, interestingly from Kantian and utilitarian derivations respectively. As I consider the two accounts to share strengths and weaknesses when taken as stories of the normativity of need, I shall address them together. Ultimately, I will suggest that each relies on the acceptance of a thorough-going moral framework in ways that will alienate non-Kantians, or non-utilitarians (respectively). As the normativity of need clearly appeals to theorists from either side of this classic theoretical divide, such a reliance is undesirable.

O'Neill is concerned with defending the ability of a Kantian approach to take need seriously. She identifies a fundamental power imbalance in the existence of unmet need: "One very basic form of social vulnerability is the vulnerability of the needy to those who have the power to grant or refuse them the means of life."³¹⁸ Such an imbalance makes us vulnerable to coercion in the form of physical force or threat:

"Nor does a threat to those in need have to be made with the standard rhetoric and gestures of armed conflict. It may well be couched in the language of standard commercial bargaining or political negotiation. But these modes of discourse respect others' agency only when used among those who are (approximately) equals in power."³¹⁹

Notice that even with the best of intentions, if there is a serious power imbalance, we cannot properly respect the agency of those in a position of relative powerlessness. It is the fact that those in need are *subject to* the whims of those in a position of power, rather than the actual *enacting* of such whims, that is problematic here. The relation of those in need to those in a position to meet that need *inevitably* fails to respect the agency of those in need.

Further, O'Neill points out that this degree of vulnerability to coercion contravenes the Kantian principle of non-coercion, and within a Kantian framework this is taken to entail strict duties of justice.³²⁰ By allowing need to go unmet, and thereby allowing

³¹⁸ 1998, p. 108.

³¹⁹ 1998, p. 108.

³²⁰ See Chapter 3 for more on the distinction between duties of justice and beneficence in Kantian thought.

inherently coercive power relations, we fail in our duty to respect the agency of those in need. She therefore mandates action to meet need: “To deal justly with the neediest, we must ensure that vulnerability to the demands of the powerful is not total, and so we must reduce their need.”³²¹

Although O’Neill argues for the moral demands that need makes of us from within a Kantian framework, the substance of her argument for normativity does not necessarily rely on our acceptance of such a framework.³²² We need not be Kantians to recognise the destructive force of disrespectful power relations, which leave those in need vulnerable to oppression; a Kantian framework simply provides one possible set of grounds for the moral significance of such oppression.³²³

Braybrooke makes a similar argument, claiming that people whose basic needs are unmet are particularly vulnerable to having their rights violated. This is because those who could furnish the means to meet their needs are in a relative position of power:

“I argue that, once the contrast becomes sufficiently stark, the people with ample resources are in a position to circumscribe the exercise of other people’s rights, and even in a position to violate the rights. The people with scant resources become, not just worse off, but vulnerable; they face much more powerful people, who can exert power to make them worse off still.”³²⁴

³²¹ 1998, p. 109. Arguably, O’Neill’s Kantian account is necessarily committed to focus moral attention on our *duties* and what we owe, rather than on the being in need, which I have suggested should be at the centre of the best account of the need of normativity. This is a point of dissimilarity to Braybrooke’s view which is not subject to such Kantian commitments.

³²² To be sure, her claim that need gives us *strict duties of justice* to reduce need does rely on need’s connection to the principle of non-coercion, and its role in a Kantian moral framework. However, in this chapter we are concerned only with establishing the best account of moral normativity, and need not rely on the details of her argument to establish duties of justice.

³²³ That being said, to make use of this as a complete argument for the normativity of need outside of a Kantian framework, we would need to expand on what respect, vulnerability, and/or oppression involve. In the following chapter I expand on the insights I draw from this account accordingly.

³²⁴ Braybrooke, 1987, p. 152.

Here he distinguishes vulnerability from welfare (being worse off) – distinguishing vulnerability from straightforward harm, and suggesting that even those who are not moved by welfarist arguments should be moved by the unequal power relations involved in vulnerability.

As O'Neill observed, the coercive force of those in a position of power need not involve direct threat. However, for Braybrooke it is not clear that even indirect threat is needed for the powerful to make problematic use of the vulnerability of those in need:

“The pressure for submission may simply take the form of making the right holders’ positions economically untenable: desperate to meet their needs, they sell out at a nominal price, when, if they could have bargained on equal terms, they need not have sold at all.”³²⁵

Braybrooke considers that any viable theory of justice must demonstrate respect for our vulnerability to oppression, and so meeting needs is a matter of both practical necessity and justice in cases where failure to meet them would leave someone vulnerable to oppression:

“Only a conception of justice that did not require any person N to respect some other person M’s position would escape the argument. [...] With the most plausible – the most defensible and morally attractive – conceptions of all, as many would hold them to be, the connection made by practical necessity runs alongside a connection of conceptual or definitional necessity that embraces meeting needs simultaneously with equality.”³²⁶

Focusing on the upshot of this argument for moral normativity, needs make moral demands on us because when they are unmet, people are particularly vulnerable to oppression and the violation of their rights.

Braybrooke’s larger project is a defence of the practical, public policy-guiding power of a full conception of needs. To that end, he offers a complex conceptual framework elaborating a potential way of making collective decisions based on need. In addition,

³²⁵ Braybrooke, 1998, p. 68.

³²⁶ Braybrooke, 1987, p. 157.

he champions the use of need in utilitarian theory, arguing that need be seen as a surrogate for “whatever falls under the concept of utility, which I regard as too abstract for practical use.”³²⁷

As may be clear from the quotes selected, Braybrooke’s argument relies on a prior conception of rights and their moral importance (which he grounds in utilitarian theory). This is because he has a particular target in mind, especially for his 1987 book *Meeting Needs*, where he defends the normativity of need in the most depth. He is interested in convincing those who wholeheartedly accept the normativity of rights, yet who also disclaim any connection between rights and equality, or need satisfaction, such as Robert Nozick.³²⁸ If we are to make direct use of Braybrooke’s argument but target a wider audience, supplementary steps to elaborate a conception of rights are necessary. The analogous reliance in O’Neill’s work is likely ‘respect for agency’ – which, although thoroughly theorized in Kantian scholarship, would require explanation and interrogation if her argument is taken out of its Kantian context. Thus, to make use of either account without ascribing to its theoretical commitments would require supplementary explanation and argumentation.

What, then, can we make of a ‘vulnerability to oppression’ approach to the normativity of need? To begin with, this account gets the moral focus of normativity right: it is concerned with the vulnerability *of the being in need*. As indicated in Section 3, it is desirable that the being in need should feature in an explanation of the normativity of the need. Further, O’Neill’s view provides a concrete reason why such concern *should* be directed to the being in need: the morally relevant capacity of the being for agency. Beings with such morally relevant capacities should be treated with accordant respect, which for O’Neill requires the reduction of need such that moral agents are no longer subject to coercion.

³²⁷ Braybrooke, 2005, p. 212.

³²⁸ 1974.

In addition, this account has the benefit of accommodating the intuition that need has normative force beyond borders. Although Braybrooke relies on a conception of rights, which might be conceived as limited to state borders, there are also many conceptions of rights which have global reach. O'Neill's respect for agency is more immediately global in reach, as it is grounded in the human capacity for rational agency. She may face similar exclusionary concerns to that of Wiggins' contractarian argument focused on reciprocity and cooperation, in that people with profound cognitive disabilities will not qualify for every definition of rational agency – however, as we have seen, rational agency will need further development to make use of O'Neill's account regardless.

This approach is not without its flaws. People in need are vulnerable in other ways, and not only vulnerable to coercion or oppression. For example, as we saw in Section 4, they are also vulnerable to *suffering*, given the susceptibility of all people to physical and psychological distress when our most basic needs are unmet. To that extent, the view is left seeming somewhat incomplete, as there is at least one source of normative force which is not accommodated on the 'vulnerability to oppression' model.

Finally, the particular conceptions offered by Braybrooke and O'Neill require the acceptance of considerable theoretical baggage: a conception of normative rights (as grounded by utilitarian theory), and a Kantian moral framework which grounds the notion of 'rational agency.' As I suggested in 4.1, avoiding controversial theoretical commitments is worthwhile if possible, to avoid alienating potential subscribers to needs theory. For example, there are some who are suspicious of the liberal project of rights but who consider needs to be promising;³²⁹ and reflection on the conflicting stances of O'Neill's Kantian and Thomson's utilitarian conceptions illustrates that need appeals to theorists across the conventional borders of moral theory. For this reason, if we seek to erect the best possible account of the moral normativity of need, we should also try to keep it as self-contained as possible with respect to its commitments to particular moral theories.

³²⁹ See: Hamilton, 2003.

6. Conclusion

In this chapter, I have canvassed the most prominent accounts offered by need theorists of the moral normativity of need, in an attempt to determine the most robust, defensible, and compelling approach possible. I argued that the ‘intrinsic normativity’ view is unsatisfying, and disregards those who consider themselves to engage in moral practice but who do not find needs intrinsically. The ‘moralist’ view requires that adherents accept a particularly thorough-going brand of universalism, which limits the reach of such an account. It also does not sufficiently focus on the being in need.

I suggested that both ‘avoiding harm’ views get something right: they direct normative attention to the being in need. Further, they draw our attention to the moral seriousness of suffering associated with unmet need. However, Thomson’s ‘avoiding harm’ view is incomplete, and requires accepting that ‘mitigating harm’ is the fundamental goal of morality. Wiggins’ ‘avoiding harm’ approach incorporates an element of public justification, which calls on us to respond to the concerns of the worst-off in order to secure social cooperation. However, he fixes the borders of his account at ‘social’ cooperation, which limits the scope of need’s normativity in a way that cannot explain normativity beyond state borders.

Finally, the ‘vulnerability to oppression’ view similarly has the right moral focus, on the being in need. O’Neill’s approach has the further benefit of offering a reason to direct our concern in that way: the morally relevant capacity of rational agency. In addition, both O’Neill and Braybrooke’s accounts are potentially global in scope, allowing us to make sense of the normativity of need across state borders. Unfortunately, neither approach will sufficiently reach theorists across the conventional borders of moral theory, as each is subject to theoretical commitments in their present form, and incomplete without them. Moreover, the ‘vulnerability to oppression’ view neglects the other ways that those in need are vulnerable, such as the vulnerability to suffering, which is perhaps best accommodated by the ‘avoiding harm’ accounts.

Therefore, I suggest that we have not yet arrived at the best possible account of the moral normativity of need. I hope in the following chapter to learn from the insights

of the foregoing views, while also bringing in helpful understandings from outside of needs theory to offer my own account of need's normativity. I incorporate elements of Wiggins' public justification, O'Neill's interest in morally relevant capacities, and the importance of vulnerability in what I will call the 'responsiveness' account.

References

- Becker, L. C. (2005). "Reciprocity, justice, and disability." *Ethics*, 116(1), 9-39.
- Braybrooke, D. (2005). "Where does the moral force of the concept of needs reside and when?" *Royal Institute of Philosophy Supplement*, 80(57), 209-228.
- Braybrooke, D. (1998). "The concept of needs, with a heartwarming offer of aid to utilitarianism." In G. Brock (ed.), *Necessary Goods: Our Responsibilities to Meet Others' Needs* (pp. 57-72). Lanham, MD: Rowman & Littlefield.
- Braybrooke, D. (1987). *Meeting Needs*. Princeton: Princeton University Press.
- Brock, G. (2005). "Needs and global justice." *Royal Institute of Philosophy Supplement*, 80(57), 51-72.
- Brock, G. (1996). "Justice and needs." *Dialogue*, 35(1), 81-86.
- Colburn, B. (2011). "Autonomy and adaptive preferences." *Utilitas*, 23(1), 52-71.
- Copp, D. (1998). "Equality, justice, and the basic needs." In G. Brock (ed.), *Necessary Goods: Our Responsibilities to Meet Others' Needs* (pp. 113-133). Lanham, MD: Rowman & Littlefield.
- Doyal, L. (1998). "A theory of human need." In G. Brock (ed.), *Necessary Goods: Our Responsibilities to Meet Others' Needs* (pp. 157-172). Lanham, MD: Rowman & Littlefield.
- Doyal, L., & Gough, I. (1991). *A Theory of Human Need*. Basingstoke: Macmillan Press.
- Fabre, C. (2002). "Justice, fairness, and world ownership." *Law & Philosophy*, 21(3), 249-273.
- Frankfurt, H. G. (1998). "Necessity and desire." In G. Brock (ed.), *Necessary Goods: Our Responsibilities to Meet Others' Needs* (pp. 19-31). Lanham, MD: Rowman & Littlefield.
- Goodin, R. E. (1998). "Vulnerabilities and responsibilities: An ethical defense of the welfare state." In G. Brock (ed.), *Necessary Goods: Our Responsibilities to Meet Others' Needs* (pp. 73-94). Lanham, MD: Rowman & Littlefield.
- Gough, I. (2015). "Climate change and sustainable welfare: The centrality of human needs." *Cambridge Journal of Economics*, 39(5), 1191-1214.
- Gough, I. (2014). "Lists and thresholds: Comparing the Doyal-Gough theory of human need with Nussbaum's capabilities approach." In F. Comin & C.

- Martha (eds.), *Capabilities, Gender, Equality* (pp. 357-381). Cambridge: Cambridge University Press.
- Hamilton, L. A. (2003). *The Political Philosophy of Needs*. Cambridge: Cambridge University Press.
- Juth, N. (2015). "Challenges for principles of need in health care." *Health Care Analysis*, 23(1), 73-87.
- Keshen, R. (1989). "Needs." *Ethics*, 100(1), 179-180.
- List, C., & Valentini, L. (2016). "The methodology of political theory." In H. Cappelen, T. S. Gendler, & J. Hawthorne (eds.), *Oxford Handbook of Philosophical Methodology* (pp. 525-553). Oxford: Oxford University Press.
- Merriman, H. (2016, 12 Oct). Why are 10,000 migrant children missing in Europe? *BBC News* [Online]. Retrieved from: <http://www.bbc.co.uk/news/world-europe-37617234>.
- Nichols, S. (2002). "Norms with feeling: Towards a psychological account of moral judgment." *Cognition*, 84(2), 221-236.
- Nozick, R. (1974). *Anarchy, State and Utopia*. New York: Basic Books.
- O'Neill, O. (1998). "Rights, obligations, and needs." In G. Brock (ed.), *Necessary Goods: Our Responsibilities to Meet Others' Needs* (pp. 95-112). Lanham, MD: Rowman & Littlefield.
- Parfit, D. (1987). "Chapter 16: The non-identity problem." In *Reasons and Persons* (pp. 281-306). Oxford: Clarendon Press.
- Plant, R., Lesser, H., & Taylor-Gooby, P. (1980). *Political Philosophy and Social Welfare*. London: Routledge & Kegan Paul.
- Reader, S., & Brock, G. (2004). "Needs, moral demands, and moral theory." *Utilitas*, 16(3), 251-266.
- Sauer, H. (2012a). "Psychopaths and filthy desks: Are emotions necessary and sufficient for moral judgment?" *Ethical Theory & Moral Practice*, 15(1), 95-115.
- Sauer, H. (2012b). "Educated intuitions: Automaticity and rationality in moral judgement." *Philosophical Explorations*, 15(3), 255-275.
- Shue, H. (1996). *Basic Rights: Subsistence, Affluence, and U.S. Foreign Policy*. Princeton: Princeton University Press.
- Silverstein, A. & Trombetti, I. (2013). "Aristotle's account of moral development." *Journal of Theoretical & Philosophical Psychology*, 33(4), 233-252.
- Soper, K. (1993). "A theory of human need." *New Left Review*, 1(197), 113-128.
- Thomson, J. J. (2010). "More on the metaphysics of harm." *Philosophy and Phenomenological Research*, 82(2), 436-458.
- Thomson, G. (2005). "Fundamental needs." *Royal Institute of Philosophy Supplement*, 80(57), 175-186.
- Thomson, G. (1987). *Needs*. London & New York: Routledge & Kegan Paul.

- Wiggins, D. (2005). "An idea we cannot do without: What difference will it make to recognise and put to use a substantial conception of need?" *Royal Institute of Philosophy Supplement*, 80(57), 25-50.
- Wiggins, D. (1998). "What is the force of the claim that one needs something?" In G. Brock (ed.), *Necessary Goods: Our Responsibilities to Meet Others' Needs* (pp. 33-55). Lanham, MD: Rowman & Littlefield.
- Wiggins, D. (1997). "Claims of need." In *Need, Values, Truth: Essays in the Philosophy of Value*, 3rd ed. (pp. 1-58). Oxford: Clarendon Press.
- Wiggins, D., & Dermen, S. (1987). "Needs, need, needing." *Journal of Medical Ethics*, 13(2), 62-68.

Chapter 5: Need and Moral Normativity: Responding to Morally Relevant Capacities

1. Introduction

In the previous chapter, I considered some of the most prominent accounts of the moral normativity of need in existing needs literature, including ‘intrinsic normativity,’ ‘moralism,’ ‘avoiding harm,’ and ‘vulnerability to coercion.’ There I suggested that, although several accounts offered important insights for the inquiry, we should keep looking, as each was either inseparable from a larger (and comparatively controversial) normative theory, or otherwise incomplete. Therefore, in this chapter I will continue to question why we might take someone needing something to give us moral reason for action, offering my own account that it is the *morally relevant capacities* of the being in need which makes their need morally significant, and gives us reason to act. I hope to present a view that is concordant with the insights gleaned in the foregoing chapter: the moral seriousness of suffering (Thomson); the importance of public acknowledgement of need, or justification of our response to it (Wiggins); and the importance of respecting vulnerability (Braybrooke and O’Neill).³³⁰

I begin with a reminder of one motivation for this project: that people do take need to be normative in everyday moral and political practice. I include a brief survey of research in moral and social psychology on empathy and altruism, which suggests that people sometimes take the need of others to give reason for action. Further, such research identifies moderating factors for our pro-social response to the need of others. Some of these factors directly contradict the *morally* relevant factors affecting our concern for others, presenting a challenge of motivation for the moral normativity of need.

I then offer a neo-Aristotelian account of the normativity of need, focused on morally relevant capacities. Such capacities ground need’s moral pull, and are the source of

³³⁰ See Chapter 4.

need-based obligation. I consider two potential counterexamples for the capacities account (wrongful life cases and ‘marginal cases’) and suggest that they can be accommodated using the proposed account.

Further, it is our shared human vulnerability which illuminates the *character* of this obligation: responsiveness. This view is informed by the work of Emmanuel Levinas on the face-to-face encounter with the other and the recognition of another human being ‘like me,’ and contemporary feminist scholarship on the inherent vulnerability of the human condition. I continue with the suggestion that we are morally required to answer need with *responsiveness*, and I elaborate on the distinction between being responsive to need and *meeting* need, as the latter has been the primary focus of need theorists.

I then consider Sarah Clark Miller’s Kantian care ethics, which offers the strongest rival account of moral normativity, and the view most similar to my own. I suggest points of similarity in my account of responsiveness and vulnerability, but highlight problems for her account that stem from her interpretation of its Kantian foundations. Instead of adopting her account, I propose to integrate her insights on skilful responsiveness into my own view.

Finally, I address objections that we might have to this picture of the moral normativity of need. I begin with epistemic concerns for the duty of responsiveness. I then consider the view that need can only be normative in the context of certain kinds of relationship: for example, in relationships characterised by high levels of solidarity and cooperation. I hope to show that we can accommodate the importance of such special contexts without abandoning the moral importance of need, as such.

The view we take on how and when need gives us moral reason to act has profound consequences. On one extreme end of the spectrum, we can only ever have duties of non-interference, and the needs of others cannot be taken to ground obligation. On the other end, we are required to give to those in need until we are reduced to their level

of need ourselves.³³¹ If it is right that we are morally required to be responsive to need, this has potentially demanding implications for our individual and collective conduct.

2. Need in Moral and Political Practice

One good reason to be interested in the normativity of need is its regular appearance in appeals and decision-making in everyday moral and political practice. It features regularly in charitable appeals, with the annual *BBC Children in Need* appeal as a particularly prominent reference.³³² It is treated with normative priority in political speeches:

“As Home Secretary, I was determined to take on the grave injustices concerning mental illness that were within my remit – and I made improving the police response to people with mental health needs a top priority.”
*Theresa May, Prime Minister of the UK, ‘Shared Society’ Speech, 09/01/2017*³³³

“My government will not be satisfied with mere ‘poverty alleviation’; and commits itself to the goal of ‘poverty elimination.’ With a firm belief that the first claim on development belongs to the poor; the government will focus its attention on those who need the basic necessities of life most urgently.”
*Shri Pranab Mukherjee, President of India addressing Parliament, 09/06/2014*³³⁴

And similarly, it receives focus in media coverage, as in the headlines:

‘Two months to organise a medical team of 14 for a man in dire need [of life-saving operation but doctors are forced to CANCEL it due to a bed shortage, reveals TV documentary which lifts the lid on the NHS crisis]’
*Daily Mail Online, 18/01/2017*³³⁵

³³¹ See Hill (2002) for a survey of the extremes.

³³² See: <http://www.bbc.co.uk/corporate2/childreninneed>. Charities with a similarly prominent focus on ‘need’ include, but are not limited to: international mental health charity *BasicNeeds* (<http://www.basicneeds.org/>), African creative arts charity *Dramatic Need* (<http://www.dramaticneed.org/>), and *Children in Need India* (<http://www.cini.org.uk/>).

³³³ May, 2017, para. 89. May makes other references to ‘needs’ in the same speech.

³³⁴ Mukherjee, 2014, para. 7.

³³⁵ Matthews & Corner, 2017.

‘FGM [female genital mutilation] victims need medical attention “every hour” says charity’
*BBC News, 06/02/2017*³³⁶

I will not offer a systematic analysis of when and how the concept of ‘need’ is employed in such contexts. However, I do hope such passing references will resonate, highlighting the ongoing currency of ‘need’ and its regular use (and abuse) to motivate action or defend decisions.

Further, social psychological research into empathy and altruism suggests that people do sometimes take the needs of others to be reasons for action, by demonstrating that some prosocial behaviour seems to spring from the motivation to protect or promote the welfare of others in need. While the fact that people *do* take need to be a reason for action cannot establish that, or when, they *should*, it instead will serve to motivate the later philosophical inquiry by suggesting that responsiveness to the normative pull of need is a common human phenomenon. Unfortunately, the research also highlights another feature of the normativity of need: it is not always successful. The pull is not an infallible one that inevitably causes concordant behaviour. Findings indicate that there are a host of situational and relational features that moderate our responsiveness to need, and that some of these features appear intuitively to be morally irrelevant. This presents a challenge of motivation that my account of the moral normativity of need must face.

2.1 Empathy and altruism

There is a longstanding debate in social psychology on whether there can be any truly altruistic behaviour, sometimes called the egoism-altruism debate.³³⁷ In this context, altruism is taken to be “a motivational state with the ultimate goal of increasing another’s welfare.”³³⁸ This means that the motivated individual is seeking to attain an increase of another’s welfare as an end in itself, rather than as a means to increasing

³³⁶ BBC News, 2017.

³³⁷ Stocks, Lishner, & Decker, 2009, p. 651.

³³⁸ Batson, 2010, p. 149.

their own welfare. Those defending the existence of genuine altruism argue that prosocial behaviour can sometimes be explained by altruistic motives, whereas sceptics consider that even seemingly other-oriented motives are best understood as serving self-interest. The following discussion cannot be taken as definitive proof that genuine altruism exists, as it represents one set of hypotheses in an ongoing debate; however, the findings appear to give us reason for optimism.

Prosocial behaviour that is congruent with the welfare of others is an everyday occurrence. A significant body of research over the last three decades has demonstrated that empathy is associated with such helping behaviour.³³⁹ According to the empathy-altruism hypothesis, prosocial behaviour can be altruistically motivated, springing from an experience of empathy:

Empathy-Altruism Hypothesis (EAH): Empathy evokes an altruistic motive, the ultimate goal of which is to reduce the other's need.³⁴⁰

Empathy itself is “an other-oriented emotional response congruent with the perceived welfare of another that results from adopting the perspective (i.e. imagining the thoughts and feelings) of a person in clear need.”³⁴¹ On this hypothesis, perceiving a person in need triggers the emotional response of empathy, which in turn evokes altruistic motives that contribute to an outcome of prosocial behaviour.

³³⁹ For example: Stocks, Lishner, & Decker, 2009; Dovidio, Piliavin, Schroeder, & Penner, 2006; Batson, 1991.

³⁴⁰ Stocks, Lishner, & Decker, 2009, p. 649; Batson, Fultz, & Schoenrade, 1987. While it is common in the psychological literature to define empathy in terms of responding to ‘need,’ it may not be wise to assume that the operationalisation of need in such research aligns with the philosophical concept I have defended. Specifically, in some experiments it is difficult to distinguish whether participants are responding to need or responding to *suffering*. However, in others the helping behaviours included allow us some insight. For example, Christopher Einolf (2007) conducted a meta-analysis of empathic concern and helping behaviours which included some behaviours which were ambiguous as they plausibly involved direct contact with someone who is both suffering and in need (‘gave money to a homeless person’ or ‘helped someone find a job’), or as they were indirect but may have involved presumption of suffering (‘gave money to charity’ or ‘donated blood’), but others which plausibly do not always feature suffering in the same sense (‘gave up seat’ or ‘carried someone’s belongings’).

³⁴¹ Stocks, Lishner, & Decker, 2009, p. 649; Batson, Fultz, & Schoenrade, 1987.

In contrast, the aversive-arousal reduction hypothesis claims that the seemingly altruistic prosocial behaviour that EAH attempts to explain is actually an outcome of self-interested motives:

*Aversive-Arousal Reduction Hypothesis (AARH): Empathy is aversive, and people sometimes help others in order to reduce the empathy they experience.*³⁴²

AARH predicts that reducing empathy satisfactorily can be achieved either by helping behaviour, which reduces the need for empathy, or by simply escaping from situations that stimulate empathy.³⁴³ In contrast, only prosocial behaviour is predicted by EAH to be a satisfactory way to reduce empathy.

Notice that as they are stated, the two hypotheses could potentially be compossible, if empathy can evoke more than one emotional response. Daniel Batson and colleagues have claimed that there are two distinct types of empathic responses: personal distress (characterised by alarm, upset, worry, etc.) and empathy proper (characterised by warmth, compassion, tenderness, etc.).³⁴⁴ While distress responses are aversive and trigger self-interested motivations to reduce the response, empathic responses trigger altruistic motives. It will be sufficient for our purposes if empathic response to people in need does *sometimes* trigger altruistic motives, and if the conditions for this response are relatively commonplace.

The balance of evidence suggests that EAH is the best explanation for some prosocial behaviour. One strategy for testing these competing hypotheses is to produce a scenario in which reduction of empathy through escape is made easier than reduction of empathy through helping behaviour, as in this scenario the two hypotheses predict differing results. In a classic study,³⁴⁵ the participant was either depicted as having similar interests (high empathy condition) or dissimilar interests (low empathy

³⁴² Stocks, Lishner, & Decker, 2009, p. 650.

³⁴³ Batson, 1991.

³⁴⁴ Batson, Fultz, & Schoenrade, 1987.

³⁴⁵ Batson et al., 1981.

condition) to a stranger in need (victim). Participants were also either told that they could (easy escape) or could not (difficult escape) leave the laboratory while the victim suffered painful electric shocks, and then given the opportunity to help the victim by receiving the shocks themselves instead. The results of the study were those predicted by the EAH. In the low empathy condition, rate of helping was affected by ease of escape, with higher rates of helping when escape was difficult. In the high empathy condition, rate of helping was uniformly high even when physical escape from the person in need was relatively easy. This study has since been replicated in a variety of contexts with similar results.³⁴⁶

These findings have been challenged, as studies using this methodology have neglected to account for the importance of *psychological* escape. Critics suggest that while physical escape from the person in need may be sufficient in low empathy conditions, those experiencing high empathy do not believe that physical escape will be sufficient to reduce feelings of distress, and this accounts for their helping behaviour rather than genuine altruism.³⁴⁷ However, a more recent study demonstrated that even when psychological escape is relatively easy, participants in a high-empathy condition show consistently high rates of helping behaviour.³⁴⁸ Thus even when empathy is more easily reduced through egoistic methods, we can observe consistently high rates of helping those in need in empathically aroused people.³⁴⁹

Unfortunately, empathic response itself is subject to a range of moderating situational and relational factors, not all of which are intuitively morally relevant. For example:

Cultural similarity

Cultural similarity (along dimensions such as ethnicity, sexual orientation, religious affiliation, standard of living, etc.) promotes feelings of other-

³⁴⁶ For example: Toi & Batson, 1982; Batson, Bolen, Cross, & Neuringer-Benefiel, 1986.

³⁴⁷ Hoffman, 1991; Doris & Stich, 2007.

³⁴⁸ Stocks, Lishner, & Decker, 2009.

³⁴⁹ It should be noted that defeat of the AARH only discounts one possible source of egoistic helping behaviour, albeit one that has historically garnered much support; there may be others. For this reason, the conclusions drawn from the findings of the empirical research surveyed can only be stated tentatively.

focused empathy, whereas cultural dissimilarity promotes ego-focused concerns and decreases need-responsiveness.³⁵⁰

Experience of adverse life events

People who have suffered from adverse life events (such as extreme interpersonal or political violence, or natural disasters) are more likely to demonstrate prosocial attitudes towards and help people in need who are dissimilar to them than those who have not experienced such events.³⁵¹

Attractiveness

When a potential helper's feelings of interpersonal attraction for the recipient are high, this increases their responsiveness to the person's needs.³⁵²

Number of people in need

As the number of people in need increases, the degree of compassion felt for them decreases. Preliminary findings suggest that this may be due to expectations that the needs of large groups will be overwhelming, and so people proactively emotionally disengage to avoid experiencing compassion.³⁵³

This last factor is worth reflecting on, as it describes a case where behaviour deviates from the explicitly held moral principle that people think they should feel more compassion for multiple victims than for a single victim.³⁵⁴ The seeming moral irrelevance of these moderating factors on empathy demonstrates the familiar reality that there is a gap between factors that are psychologically salient and those that are morally defensible. I will address this challenge in Section 4; for now, it gives us all the more reason for reflection on how and when needing does establish defensible moral reasons for action.

In this section, I have claimed that we have some reason to think that people can be motivated to help others for altruistic reasons. I will now move on to consider what

³⁵⁰ Siem & Sturmer, 2012.

³⁵¹ Vollhardt & Staub, 2011.

³⁵² Siem & Sturmer, 2012.

³⁵³ Cameron & Payne, 2011.

³⁵⁴ Cameron & Payne, 2011, p. 2; Dunn & Ashton-James, 2008.

grounds such a response; that is, how does someone being in need give me a moral reason for action?³⁵⁵

3. Justified Responsiveness to Need

There are many reasons that we might think need gives us a reason for action. If by unjustly harming someone I have put them in a position of need, a restorative justification is the most immediately apparent reason. Alternatively, if I have committed myself to providing for someone by contract or promise, a duty to honour agreements likely plays a normative role. However, I will focus on the bare fact of need itself. Aside from any related concerns that need may play a role in activating, when does someone needing something in itself provide reason for action?

3.1 Morally relevant capacities and vulnerability

I suggest that the same considerations which ground the moral status of human beings also ground the moral importance of human need: our capacities for activity and striving, suffering and connection. When faced with someone in need, we are faced with the kind of being that is self-aware, capable of imagining and planning for the future, capable of deliberation and responding to encouragement or censure, capable of struggle and experiencing loss, of communicating and connecting with others and the world around them. Similar to Martha Nussbaum's capabilities approach,³⁵⁶ this picture of moral status is heavily influenced by Aristotelian and Marxian notions of species norms,³⁵⁷ and construes a picture of what it means for a human being to thrive based in these fundamental capacities. The basic insight of this view is that the kind of being that is in need matters, and that the moral status of a human being is such that their need matters. In the search for what makes needing morally normative, this account answers: the capacities of the kind of being that is in need.

³⁵⁵ Note that the following sections are in no way concerned with justifying *actual* helping behaviour as described in this section.

³⁵⁶ Nussbaum, 2006a.

³⁵⁷ Williams, 2004, p. 16-19.

Here we can locate the source of moral concern in the other – the moral reason for action is best described as located in the being in need, rather than in the moral character of the potential helper, or in their self-regarding concern for their own needs being met.

Notice that the proposal does not hinge need's normativity on moral agency, but rather on a cluster of capacities which give rise to moral status. It seems to me that the normativity of need is not contingent on moral agency, nor is it obviously tied to any one particular capacity. If the "ability to autonomously choose an intentional action" is a necessary condition for moral agency that is uncontroversial, as Rønnegard suggests,³⁵⁸ I take it that my account will be more inclusive than an account hinging on moral agency. The capacity for suffering is sufficient for moral concern, but the presence of further capacities such as social connection, self-reflection, communication, and striving ground the normativity of need.

Many of the capacities identified here are possessed to varying degrees by non-human animals, such as the capacities for suffering, struggle, and loss, and for communication and connection with others and the world around them. It is an implication of this view that such capacities warrant moral concern for the need of such non-human animals, according to what is good for their species as such. Humans may not be well-positioned to render judgement on the interests of non-human animals, but we can expect the conditions for survival (as necessary for the pursuit any other good) such as physical security, nutrition, hydration, species-compatible habitat, etc. to be minimal requirements.

Similarly, the capacities mentioned are possessed to varying degrees by *human* animals. Most human beings will easily meet a threshold requirement such that they can meaningfully be said to have such capacities. For example, this means that although some humans are more self-reflective than others, we need only be sufficiently self-reflective to meet a threshold such that the capacity 'self-reflective'

³⁵⁸ 2015, p. 11.

can meaningfully be said to be present; it is an on-off designation rather than a ranking system. Some human beings will fall below such a threshold in at least one dimension, but no one capacity is necessary in isolation. Further, when someone fails to meet the threshold for several capacities, like Nussbaum I suspect that it is often best to presume that, were their needs met, the disabled may be enabled to meet relevant capacity thresholds.³⁵⁹ Where there are good epistemic grounds against this presumption, we may not be under a duty to respond to the being in the same way, in a relation as to one ‘like us,’ although this does not preclude other forms of appropriate moral concern.

3.2 Two counterexamples for the capacities account

I now consider two potential counterexamples for the view I have proposed: wrongful life cases, and marginal cases of humans who do not possess uniquely human capacities.³⁶⁰

Wrongful life cases present a challenge for my view because they seem to be cases in which human beings in fact do not have any interest in survival. The classic example here is of a child born with a congenital disease which significantly impairs their quality of life, wherein “the imposition upon a child of an existence of poor quality can constitute an act of harming, and a violation of the child’s rights.”³⁶¹ If it is better for the child never to have existed, then to respond to their needs *qua* human being, thereby promoting their survival, would in fact be harmful and misguided.³⁶²

However, I suggest that even in such cases there is still a sense in which, *as a human being*, I have an interest in survival. Rather, in wrongful life cases, that interest has

³⁵⁹ For a brief treatment on the moral status of animals on this kind of view, see: Nussbaum, 2006b. For her views on disability, see: Nussbaum, 2008.

³⁶⁰ I thank Philip Cook for pushing me to address these challenges in order to make the capacities account more clear.

³⁶¹ Williams, 2010, p. 351.

³⁶² For the purposes of discussion I will grant the assumption that it can be better, all things considered, for a human being never to have existed.

been overridden by stronger, countervailing interests.³⁶³ This rightly emphasises the defeasibility of our interest in survival, but it does not undermine survival as a necessary condition for any other good.

Marginal cases of humans who do not possess uniquely human capacities present a more significant challenge for my view. Here the challenge might be outlined as follows: my account defends responsiveness to human need on the grounds of the morally relevant capacities of human beings. However, some non-human animals in fact have more of the relevant capacities, and to a greater degree, than some humans (such as infants and humans with profound cognitive disabilities). If this account is to stand, I must either bite the bullet and include the need of non-human animals, or provide some other principled way of distinguishing non-human animals that does not rely on capacities which many of them possess. In what follows, I propose to bite the bullet insofar as non-human animals possess morally relevant capacities which make their need matter. However, I suggest that the *character* of our response to non-human animals will be different.

First, let us view the argument from marginal cases in more general terms, as stated by its proponents:

- “(1) It is undeniable that [members of] many species other than our own have ‘interests’ – at least in the minimal sense that they feel and try to avoid pain, and feel and seek various sorts of pleasure and satisfaction.
- (2) It is equally undeniable that human infants and some of the profoundly retarded have interests in only the sense that members of these other species have them – and not in the sense that normal adult humans have them. That is, human infants and some of the profoundly retarded [i.e. the marginal cases of humanity] lack the normal adult qualities of purposiveness, self-consciousness, memory, imagination, and anticipation to the same extent that [members of] some other species of animal lack those qualities.
- (3) Thus, in terms of the morally relevant characteristic of having interests,

³⁶³ Wrongful life cases are similar to the case of the martyr discussed in Chapter 1, Section 3.3: the martyr continues to have an interest in survival taken as a human being, but they have stronger interests in sacrificing their life.

some humans must be equated with members of other species rather than with normal adult human beings.”³⁶⁴

I propose to accept the conclusion (3), with a particular stress on the qualification “in terms of the morally relevant characteristic of having interests.” Insofar as non-human animals have the morally relevant capacities I have listed, we must see them as having moral status such that their existentially urgent need is normative. Similarly, when human beings do not have any of those capacities, and we have good epistemic reasons to consider that even if their needs were met they would not meet relevant capacity thresholds,³⁶⁵ their need will not be normative in the same categorical way that it is for beings who do meet the capacity thresholds. This is not to say that they are not worthy of any moral consideration, but rather that they do not mandate that particular *kind* of moral consideration.

However, while I have accepted conclusion (3), it is worth noting that the *way* we respond to fellow human beings in need will be (and should be) quite different to the way we respond to need in non-human animals. This is so for at least two reasons. For one, we are still coming to understand the interests and capacities of non-human animals. New research into animal behaviour is getting more and more methodologically creative to push back on our preconceptions of the limitations of non-human animal capacities,³⁶⁶ but however incomplete our understanding of human flourishing is, it can only ever be more so when attempting to understand what is good for other species. Further, we stand in a different relation with our fellow human beings compared to members of other species. Our words, symbols, and shared concepts have the power to structure our shared human world. As such, there is an expressive or

³⁶⁴ Becker, 1983, p. 226-227; Dombrowski, 2006, p. 223-224 [emphasis original]. Note that I present only numbers 1-3 in a list of 9 premises and conclusions that Dombrowski identifies with the argument from marginal cases, as these are the most relevant for the present purpose.

³⁶⁵ In the case of healthy human infants, we have good reason to believe that in time they will develop the relevant capacities if they have their basic needs met.

³⁶⁶ For example: Pérez-Manrique & Gomila, 2017; Droegge & Braithwaite, 2014; Panksepp & Panksepp, 2013; Prior, Schwarz, & Güntürkün, 2008; Raby et al., 2007.

performative dimension to our ethical decision-making that can have direct effects on fellow human beings in need.

In the following section, I proceed to develop the capacities account that I have proposed. Specifically, I focus on the shared human interests and vulnerabilities which shape *how* we should respond to fellow human beings in need.³⁶⁷

3.3 Vulnerability and recognising an other ‘like me’

It is our morally relevant capacities, then, that ground need’s moral normativity, and ground need as a source of moral obligation. However, something further must be added to understand the *character* of that obligation to fellow humans. The human condition is characterised by vulnerability and interdependence: we are all at risk of being harmed, or having a reduced capacity to protect our interests.³⁶⁸ Each of us is subject to the episodic dependency of infancy, childhood, illness, and old age. However, there is a deeper sense in which our bodily existence is an intrinsically vulnerable existence. “To be vulnerable is to be fragile, to be susceptible to wounding and to suffering; this susceptibility is an ontological condition of our humanity.”³⁶⁹ As Judith Butler writes in the wake of the events of September 11, 2001:

“One insight that injury affords is that there are others out there on whom my life depends, people I do not know and may never know. This fundamental dependency on anonymous others is not a condition that I can will away. No security measures will foreclose this dependency; no violent act of sovereignty will rid the world of this fact.”³⁷⁰

³⁶⁷ Although I focus on human need hereafter, developing a needs theory for non-human animal species might be a productive way of approaching questions of the claims of non-human animals: “[Our current treatment of animals] is largely shaped by perceptions of what ‘humans’ need and want. The concept that we may wish to meet the dog’s needs as the ‘dog’ would prefer is a wholly recent” (Overall, 2016, p. 1). Moral concern for non-human animals will inevitably take, at least, a different shape – the recognition of an other ‘like me’ cannot play the same role. Similarly, morally relevant capacities of aliens or sentient machines would ground moral concern, but again the character of that concern will not be precisely the duty of responsiveness defended here for fellow humans.

³⁶⁸ Mackenzie, 2014, p. 33.

³⁶⁹ Mackenzie, Rogers, & Dodds, 2014, p. 4.

³⁷⁰ 2004, p. xii.

This precariousness, this susceptibility, is unavoidable for all of us.

Of course, some of us are more vulnerable than others, whether due to the challenges of chronic illness or disability, or due to unequal power relations and access to social goods. Of particular concern is the vulnerability of those in a position of relative powerlessness, locked in reproducing cycles of oppression and victimhood. It is often this kind of vulnerability which we think of when we contemplate ‘vulnerable people,’ and for good reason – suffering and loss of dignity engendered by such seemingly intractable cycles requires urgent attention. Jonathan Wolff and Avner de-Shalit offer an insightful analysis of such reproducing cycles as ‘dynamic clustering’ of disadvantage, wherein a person accumulates disadvantages over the course of their life, and this disadvantage is reproduced in future generations.³⁷¹ As Braybrooke and O’Neill caution,³⁷² unmet need is itself a powerful, and radically unequally allocated, source of vulnerability to oppression. Leaving the powerless vulnerable to oppression is one of the ways that failing to respond to need disrespects the moral status of the worst-off.

For many in high income, high consumption, countries with little or no direct exposure to war and extreme environmental events, narratives of self-sufficiency and independence can resonate. However, each of us will inevitably face our ontological vulnerability, and in such moments there is the potential for recognition of the universal nature of such vulnerability.

A focus on our vulnerability highlights that when we are faced with a being in need who shares both our capacities and our vulnerabilities, we are also faced with the reality that ‘I could have been she’:

³⁷¹ Wolff & De-Shalit, 2007, p. 120.

³⁷² See Chapter 4, Section 5.

“It is acknowledged that the distress the person suffers could have been suffered by oneself. This acknowledgement implies acknowledging the other as ‘a fellow human being,’ therefore, a certain affinity.”³⁷³

We may fail to recognise this as a reality, but that does not negate the relation we stand in to this fellow being in need.

In addition to knowing the moral status of the kind of being we are dealing with, which I have suggested is determined by their capacities, we must also be able to distinguish when they are ‘in need’ in a morally relevant sense. To be in need of a stiff drink to unwind at the end of a long day is not on a par, morally speaking, with needing shelter to stave off hypothermia. In Chapter 1, I proposed that we take non-arbitrary needs to be those that are morally important. Briefly, non-arbitrary needs aim at objective interests that all human beings have in virtue of what is good for each of us *qua* human beings, no matter the subjective aims, goals, and interests we have. Basic needs are the existentially urgent subset of these needs.

Combining these two features, our picture of the moral responsibility we have to human beings in need begins to take shape. What we owe to such beings, in all circumstances, is *responsiveness* – responsiveness to their basic needs. To fail to respond in some way to the need of a being with the capacities of a human being is to fail to accord them their moral worth. All human beings will experience dependency during our life course, and to be responsive to this in others is to recognise them for what they are.

To expand on this relation to the other, I will now draw on French philosopher Emmanuel Levinas, whose work is relatively unfamiliar within the canon of Anglophone analytical political philosophy, but is uniquely poignant in its focus on

³⁷³ Cortina & Conill, 2016, p. 51. Adela Cortina and Jesús Conill describe this in relation to Alasdair MacIntyre’s virtue of *miser cordia* (“grief or sorrow over someone else’s distress, insofar as it is understood as one’s own”).

this relation. The relation to the other is important in developing an account of responsiveness to fellow human beings.

At the heart of his ethics is the phenomenology of the face-to-face encounter with another person, which has an impact unlike any other object or force. In this encounter “I can see that another human being is ‘like me,’ acts like me, appears to be the master of her own conscious life.”³⁷⁴ The other person calls to me: “he does not even have to utter words in order for me to *feel* the summons implicit in his approach.”³⁷⁵ The other is exposed to me as an indisputable reality that cannot be reduced to their aesthetic presentation or the images I form of them in my mind.

“This gaze that supplicates and demands, that can supplicate only because it demands, deprived of everything because entitled to everything, and which one recognizes in giving [...] this gaze is precisely the epiphany of the face as a face. The nakedness of the face is destituteness. To recognize the Other is to recognize a hunger. To recognize the Other is to give.”³⁷⁶

Importantly, when Levinas speaks of the face, or the face-to-face encounter, he does not mean only, or exactly, the literal face composed of eyes, nose, mouth, etc., but rather an arresting manifestation of being-ness. It is perhaps helpful to think of the face-to-face encounter, in this context, as the awareness that one is confronting another being, living an actual life like ours. This presentation of another being, vulnerable and mutable like myself, calls for responsibility to them. Our responsibility for the other’s vulnerability amounts both to not taking their life, and to protecting it – beginning with alleviating their material misery in providing for their basic needs for nourishment, shelter, etc.³⁷⁷ The call of the other is the call of a being whose body is susceptible to thirst, to hunger, to exposure.

³⁷⁴ Burgo, 2011, section 1.1 para. 2.

³⁷⁵ Burgo, 2011, section 1.1 para. 2 [emphasis original].

³⁷⁶ Levinas, 1969, p. 75.

³⁷⁷ For Levinas, responsibility begins here, but it extends far beyond it even to moral responsibility for the other’s behaviour: “I am in reality responsible for the other even when he or she commits crimes” (2002, p. 169.). This derives from his view of responsibility as substitution – for more on this theme, see his 1988 interview ‘Responsibility and substitution’ in the same volume (pp. 228-233).

This relation of responsibility to the other is irrefutable, although it cannot force compliance but only beseech it:

“Of course we have the power to relate ourselves to the other as to an object, to oppress and exploit him; nevertheless the relation to the other, as a relation of responsibility, cannot be totally suppressed, even when it takes the form of politics or warfare. Here it is impossible to free myself by saying, ‘It’s not my concern.’ There is no choice, for it is always and inescapably my concern.”³⁷⁸

Levinas’ depiction of the face-to-face encounter as an act of ‘recognising’ is compelling. His works and interviews are translated from their original French language, and while caution is warranted when reading translations for exegetical purposes, my purpose here is more of a pragmatic inquiry into the insights his account offers that are helpful in understanding need’s normativity. That being said, the use of the word ‘recognise’ indicates a kind of familiarity. In order to recognise hunger and vulnerability in the other, we must not only come to know it but come to know it *again*, suggesting that we see in it a mirror of our own prior experience of vulnerability.³⁷⁹ This does not preclude the singularity of the other, but does serve to identify an underlying likeness through experience.³⁸⁰

Further, such recognition might be contrasted against lack of recognition, or invisibility. Axel Honneth and Avishai Margalit call attention to the dehumanising and humiliating effects of lack of recognition of the other, and the intentional invisibility of ‘looking through’ someone.³⁸¹ Offering the example of the black person, or the cleaning lady, who is treated as invisible, they stress that this invisibility is not a

³⁷⁸ Levinas, 2001, p. 247.

³⁷⁹ The Levinasian sense that the other is a needing being ‘like me,’ and so ‘that could be me’ may seem in one sense to be self- rather than other-regarding. However, the sense in which this is self-regarding is, I hope, not problematic. We can never literally walk a mile in another person’s shoes, but our own experiences can help us sensitise to, and help us appreciate, the experiences of others. Levinasian thought calls attention to the shared human experience of need and vulnerability through our own phenomenological familiarity with it.

³⁸⁰ This reading of recognising is perhaps in tension with the notion that the other cannot be reduced to my pictures of them in my own mind, and is fundamentally unknowable, but Perpich suggests that tension is a constitutive feature of Levinas’ work (2008, p. 13-14).

³⁸¹ Honneth & Margalit, 2001.

cognitive fact – the other is easily perceptible visually. Rather, lack of recognition is a performance of a social state of affairs, expressive of the other’s lack of worth or value.³⁸² By recognising the other, we “express the fact that the other person is supposed to possess social ‘validity.’”³⁸³

In the next section, I detail how we might appropriately respond to the call of the other through responsiveness. The requirement of acknowledgement I will defend reflects a kind of recognition, expressing the other’s moral ‘visibility.’

3.4 Responding versus meeting

I suggested in Section 3.3 that what we owe to fellow human beings in need is *responsiveness*. This is a marked departure from much of needs theory which mandates *meeting* needs, even to the extent that it is the title of canonical works on the topic such as Braybrooke’s *Meeting Needs*, and Brock’s *Necessary Goods: Our Responsibilities to Meet Others’ Needs*. Levinas’ phenomenology of the relation to the other gives a first indication of what responsiveness might look like, but I will now expand on what responsiveness involves, and how it differs from meeting need.

In the first place, let me be clear that what I am responding to is the need of the being whose capacities and ontological vulnerability I share. Like Jacob Schiff, a proponent of responsiveness, I take acknowledgement to be a core feature of responsiveness.³⁸⁴ Whatever else is involved in responding to someone’s situation, we must first acknowledge the existence of the being in need, which means that we must consider them in our practical deliberations. Acknowledgement speaks to their moral ‘visibility:’ they matter, and so must factor in our moral decision-making.

³⁸² Recall my response to the argument from marginal cases in Section 3.2: the way we respond to human need will be different to need in non-human animals, because social relations and our performance of them matters to fellow human beings in a way it cannot to non-human animals.

³⁸³ Honneth & Margalit, 2001, p. 115.

³⁸⁴ 2009, p. 65.

Responsiveness, then, requires acknowledgement at a minimum. Beyond this, it may also require concrete action to reduce need. The appropriate kind of acknowledgement, and whether or not I must also act to reduce need, will depend on morally salient features of the circumstance. Relevant considerations as to when I am required to reduce need include my ability to help, the seriousness of the need, what other obligations I have, and the cost of helping. For example, if I meet someone that I do not have the means to help, an appropriate acknowledgement might be an expression of regret for my inability to help, or a gesture of concern. If I come across a person whom I do have means to help but cannot due to an overriding obligation (such as a parent's obligation to their child who is in similar need), acknowledgement might require an apology, as a recognition of their claim on my help.

Duty of responsiveness

A moral agent has a duty to acknowledge the existentially urgent need of a fellow human being(s). Further, he or she may have a duty to stop or prevent the suffering and vulnerability caused by existentially urgent need if he or she can do so at less than significant cost to herself, either individually or by contributing to collective action.

Often it will be appropriate that acknowledgement is explicitly expressed – this is perhaps particularly true of responses which will not result in meeting need. This is a minimal form of respect for the moral status of the being in need, signalling to them that we recognise that their existence matters, that they are not ‘invisible.’³⁸⁵ We have already seen that a sense of public recognition or acknowledgement was an important insight of Wiggins’ account,³⁸⁶ and in the next chapter I develop the role of acknowledgement in public justification.

³⁸⁵ It might be thought that, in some cases, mere acknowledgement might exacerbate the sense of invisibility. For example, a passing remark to the effect that ‘we considered your plight, and are unable to meet your need at this time’ might have the effect of a public dismissal more injurious than invisibility, in part because it carries the guise of reasoned consideration. However, such an acknowledgement might be likened to a bad apology: it is not the fact of the acknowledgement that is disrespectful, but the mode of it.

³⁸⁶ See Chapter 4, Section 4.2.

Ultimately, responsiveness to need in others is a matter of treating their well-being as worthy of factoring into your moral deliberation and decision-making. I certainly fall short of this obligation if I never actually take action to help others, as this is an indicator that I am not really according their well-being any weight in my deliberations. Similarly, when the moral stakes are high, and the costs are low, even one-off failure to help seems to disqualify me as sufficiently responding to others in need.³⁸⁷

Does the duty of responsiveness involve a duty to *feel* a certain way? Soran Reader and Brock express reservations about the ethics of care due to its focus on affective attitudes, suggesting that “from a needs-centred perspective, this is a mistake. On a needs-centred view, what matters for moral agency is that needs should be recognized and met. How the agent feels when he does this is unimportant.”³⁸⁸ In the main, we are agreed: what is strictly required by responsiveness is satisfied by acknowledgement in decision-making and action to reduce need. However, I suspect that appropriate responsiveness is incompatible with emotions which signal disrespect, such as contempt. Insofar as meeting need is entirely separate from affective response, and compatible with even expressions of contempt, responding to need is a demonstration of respect for the being in need, and so must proscribe such responses. Further, we might think that cultivating pro-social emotions such as empathy will be supportive of the disposition to respond to need.

A further distinction between meeting need and being responsive to it is the kind of duty each entails. Most need theorists who advocate for meeting need see it as a defeasible, or *pro tanto*, duty: considerations such as cost, or competing obligations, will mean that sometimes, all things considered, we do not have a duty to meet even

³⁸⁷ We might think responsiveness also requires something between acknowledgement and meeting need – for example, campaigning for institutional change aimed at reducing need is more than simply factoring need in our decision-making, but less than directly reducing need ourselves. As I shall suggest in the following chapter, such action will sometimes be the most appropriate response to need.

³⁸⁸ 2004, p. 264.

existentially urgent need. In contrast, we should always be responsive to need. At a minimum, this means that existentially urgent need should feature in any relevant practical deliberations.

Responsiveness is not only morally required when I witness the other in need face-to-face – the capacities that underpin the moral status of human beings are not subject to change based on proximity. When distance presents a practical barrier, this is best thought of as altering my ability to help. The range of available responses to those in need who are distant from us is more limited, but no less important. We cannot personally express concern or regret to every person in need globally, nor should we. However, human beings are political animals; we organise, we form communities, and we are capable of cooperation. Taking political action is an eminently appropriate response to the needs of distant or generalised others, and can take forms such as voting, engaging in the political process, protest, or civil disobedience. Indeed, political action may sometimes be a more effective and stable means of reducing need than individual action. As many commentators have observed of Singer’s drowning child thought experiment, appealing to local government for the erection of fences around dangerous ponds in inhabited areas may present the most sensible long-term solution for all involved.

3.5 A comparison with care ethics

Care ethics³⁸⁹ represents a departure from an ethic of justice or the ‘justice perspective,’ which privileges notions of impartiality, autonomy, and equality.³⁹⁰ This departure is sometimes taken to offer a more “need-centred” basis for ethical practice,³⁹¹ and Sarah Clark Miller’s recent work suggests that we might look to care ethics to better understand the normativity of need. I consider Miller’s account to be

³⁸⁹ Carol Gilligan’s 1982 *In a Different Voice* is often credited with founding modern care ethical theory.

³⁹⁰ Many have considered the stark binary erected between justice and care to be a rhetorical oversimplification. It may help to view the characterisation provided here as a presentation of an ‘ideal type’ as Grace Clement cautions in her *Care, Autonomy, and Justice* (1996).

³⁹¹ Botes, 2000, p. 1071.

both my strongest rival, and in some ways the most similar to my own – her treatment of human interdependence and vulnerability is nuanced and apt, and she comes closest to developing the idea of responsiveness. Therefore, I examine and respond to her view in detail in this section. I highlight key affinities between my own view and Miller's: particularly, her focus on the inherent interdependence of the human condition, and our call to be responsive to need. However, I also highlight some challenges that her account faces: for example, she cannot answer the challenge of obligatory aid. I then suggest that, despite problems with her account of normativity, her insight into the value of *skilful* responsiveness is a helpful addition to the account I have developed.

To begin, a necessarily brief primer on care ethics. An ethic of care instructs that the relationships, dependence, and interdependence of human lives are of fundamental moral significance. It emphasises particularity and context over abstraction, and theorises people as fundamentally connected.³⁹² It fosters a recognition of, and respect for, forms of difference along a plethora of dimensions which impact a person's care needs, such as race, gender, class, sexual orientation, age, etc. Maintaining harmonious relationships and meeting the needs of others enjoy priority over equality or fairness of treatment.³⁹³

Miller names four themes as key philosophical insights of the care ethics approach: particularity, dependence, interdependence, and need. A care perspective highlights human finitude, and draws attention to the many circumstances of dependency experienced in every human life, including illness and injury, infancy and senescence. The ways in which we do or do not care for each other in such moments of dependence are of utmost moral importance. The unavoidability of dependence means that we are all mutually dependent, and "if we are to survive, let alone thrive in leading lives that are recognizably human, others must respond to our dependent selves by meeting our needs through their caring actions."³⁹⁴ *Interdependence* is emphasised in that others

³⁹² Clement, 1996.

³⁹³ Botes, 2000.

³⁹⁴ Miller, 2005, p. 140.

will also need my assistance, resulting in a mutuality of care. Further, care ethics prominently features the moral importance of “nurturing responsiveness to and responsibility for needs,”³⁹⁵ as although the particular experiences of need vary drastically, all humans have needs, and to have a need is to require care. Care, then, is the “morally appropriate reaction to another’s needs,”³⁹⁶ taking another’s need as the impetus for action.

Accurate perception and skilful responsiveness are imperative to prevent the ethic of care from collapsing into paternalism. In this regard the person in need’s own account of their needs is epistemically privileged – care seeks to advance the self-determined ends of people in need where possible.

Let us turn now to Miller’s account of the normativity of need. She draws heavily from Immanuel Kant’s justification for the imperfect duty of beneficence, which requires that those who can, take action by responding to the needs of others³⁹⁷:

“The reason that it is a duty to be beneficent is this: since our self-love cannot be separated from our need to be loved by others as well, we therefore make ourselves an end for others; and the only way this maxim can be binding is through its qualification as a universal law; hence through our will to make others our ends as well.”³⁹⁸

As finite, rational beings, our self-interest cannot be distinguished from our need to be helped when we are in need ourselves. In order to continue to exist as an agent, and to achieve any ends that require assistance, we will require our existential needs to be met by others. Rational beings, as such, will their own continued existence, and so must also will that finite rational beings help one another in circumstances of need. It is the inevitability of our dependence on others that requires us as rational beings to help meet the needs of others; if we were to will a universal law of non-beneficence, the help we need to continue existing would not be available to us. This would amount

³⁹⁵ Miller, 2005, p. 141.

³⁹⁶ Miller, 2005, p. 142.

³⁹⁷ Miller, 2005, p. 147; Kant, 1991, p. 201.

³⁹⁸ Miller, 2005, p. 148; from Kant, 1991, p. 156.

to a ‘contradiction in volition’ – both (necessarily, as rational agents) willing our own existence, and willing the destruction of the conditions which make this possible.

For Miller, Kantian beneficence provides the general principle for action (or maxim), but this is supplemented by the care ethical approach which advises *how* to respond to the needs of others. In the process of acting on the duty of beneficence, we take up the self-determined ends of the one in need as our own. Here the skills of moral perception and judgement are imperative to enabling carers to accurately recognise need when it is encountered, and to enacting appropriate, effective responses. While moral perception allows us to distinguish a situation as morally relevant in the first place, moral judgement involves knowing what a moral principle requires in a particular situation, and recognising the morally relevant features as such. “Care ethics generally advocates a heightened degree of attentiveness to those present in our moral lives.”³⁹⁹ Cultivating and developing our moral perception and judgement is thus required as necessary to successful caring. Here practices that involve cultivation of empathy are thought to promote not only receptivity to others in need, but understanding of how to meet their needs sensitively.

Miller takes up a position that contrasts with Reader and Brock, arguing that the *how* of meeting needs matters:

“The duty to care does more than obligate agents to respond to others’ needs; it requires that the nature of their response be both respectful and caring. [...] The *how* of needs response carries with it the power of conferring or denying both equal moral worth and inclusion in a moral community.”⁴⁰⁰

However, although the language of ‘responsiveness’ features prominently, Miller ultimately considers that our duty is to “meet others’ needs”⁴⁰¹ through a duty of care, and relegates responsiveness to the ‘*how*’ of care, rather than conceiving of responsiveness as characterising the duty itself.

³⁹⁹ Miller, 2005, p. 156.

⁴⁰⁰ 2012, p. 4.

⁴⁰¹ 2012, p. 45.

Many features of the care ethical approach to responding to the needs of others seem to me to be on the right track. It is without question that we are each of us dependent on others at various stages in our lives, and although globalisation can distance us from this reality, it also amplifies the insight to be gained from it. Economic, technological, and environmental interdependence has never been more deeply woven into the everyday lives of so many.⁴⁰² Further, as we saw in Section 2.1, Miller is right to identify empathy as a possible aid to the success of caring for others, as empathy has been consistently associated with prosocial behaviour in empirical research. Its cultivation may be challenging given the existence of non-conscious, implicit processes regulating its activation, but further research on methods of cultivating and developing empathic responses may be illuminating here.⁴⁰³

However, it is Miller's use of a Kantian justification for an imperfect duty of beneficence that I will suggest fails to accord with taking need seriously. Although Miller takes her account to demand that "everyone who has the means to do so should be beneficent to those in need,"⁴⁰⁴ she is ultimately defending the existence of an *imperfect* duty. She considers the classing of beneficence as an imperfect duty to be an advantage of her view, as it allows carers to judge when and how to exercise their obligation, and to avoid sacrifice of their own needs. To see the tension between these claims, let us briefly reflect on the Kantian distinction between perfect and imperfect duties.

Perfect duties are those that do not admit of exceptions "in favour of inclination,"⁴⁰⁵ whereas imperfect duties do admit of such exceptions:

⁴⁰² For a discussion of the ways that globalisation has complicated our moral lives, see: Lichtenberg, 2010.

⁴⁰³ We might worry about empathic overload or exhaustion in those who have cultivated empathic responses to others, and indeed there is a body of research in nursing literature on the phenomena of compassion fatigue and burnout. See, for example: Patricia Smith's *To Weep for a Stranger: Compassion Fatigue in Caregiving*.

⁴⁰⁴ Miller, 2005, p. 147.

⁴⁰⁵ Kant, 1964, section II, p. 422.

Perfect duty: One must never (or always) ϕ to the fullest extent possible

Imperfect duty: One must sometimes and to some extent ϕ ⁴⁰⁶

It is this feature of imperfect duties that allows them to avoid demandingness objections levelled, for example, at utilitarians like Peter Singer, who consider aid to be morally required in all circumstances unless it requires sacrifice of something of comparable morally significant.⁴⁰⁷ To restate Miller's moral requirement for meeting the needs of others in the form of an imperfect duty, then, 'everyone who has the means to do so should sometimes and to some extent be beneficent to those in need.' As Miller claims, this formulation has the benefit that it will be likely to avoid any demandingness objections. However, it also faces the problem of obligatory aid.

Kant's view of beneficence as an imperfect duty has been challenged as unable to account for the intuition that, in some circumstances, helping someone in need seems to be morally obligatory.⁴⁰⁸ Singer's now-famous example of walking past a shallow pond and seeing a child drowning in it is meant to evoke this intuition, as is Karen Stohr's description of driving by an elderly man who appears to be in distress at the side of a road. Helping will mean trivial costs like getting my clothes muddy or being late for a dinner date, but there is no moral dilemma here: I simply am morally obligated to help. In these cases, it seems that the imperfect duty of beneficence is too permissive, as it cannot mandate my taking action in any one particular circumstance, despite remarkably low costs and high stakes.

Kantian scholars have offered various responses to this problem, and although I cannot explore each of them, I will now very briefly examine a handful of strategies that Miller might attempt in order to save her account. First, she might simply bite the bullet: we truly are only committed to helping 'sometimes, to some extent,' regardless of the extent of need or the cost to us, and our intuitions about the problem of

⁴⁰⁶ Johnson, 2008, section 5, para. 2.

⁴⁰⁷ Singer, 1972, p. 241; Singer's views have changed somewhat in more recent publications.

⁴⁰⁸ Stohr, 2011.

obligatory aid are simply mistaken.⁴⁰⁹ Aside from the lack of intuitive plausibility of this strategy, it also seems discordant with the spirit of Miller's work. She is keen to advocate for the moral requirement to care for a subset of our most constitutive needs as agents, which indicates sensitivity to the extent of need. Further, she stresses that care ethics establishes a moral requirement of attentiveness, so that we are able to recognise situations of need – this indicates a level of vigilance required that goes beyond a voluntarist picture of beneficence.

Second, we might instead reject the Kantian picture of duties as dividing into perfect and imperfect, in favour of some other picture of moral responsibilities to those in need. I will not consider this here as Miller's account of the normativity of need hinges on a Kantian foundation.

Third, we might take a more nuanced view of the duties involved. Setting aside any pedagogical interest in the most accurate interpretation of Kant, Stohr suggests that we should see the duty of beneficence as involving both the imperfect duty to help others occasionally, and the perfect duty to avoid indifference to others as ends. In this context, indifference means something like taking their ends not to be worthy of my regard, and it is related to the parallel perfect duty of respect, which disallows contempt or arrogance. On this picture, I am always required to “adopt the attitude that [the other's] ends carry moral significance insofar as they are her ends.”⁴¹⁰ This attitude can be fulfilled by direct helping behaviour, but also through responding in other ways, such as acknowledging the person's need, or apologising for not helping. However, in order to accept that the attitude is present, we should expect that sometimes it will translate concretely into helping behaviour. Crucially for the problem of obligatory aid, there are some circumstances in which neglecting to take action to meet the needs of others will be sufficient evidence to judge that the agent does have an attitude of

⁴⁰⁹ For example, see: Hill, 1971.

⁴¹⁰ Stohr, 2011, p. 61.

indifference, and this is the case for the thought experiments of the drowning child and the elderly man in distress.

Stohr's approach is well suited for adoption into Miller's picture of the duty of care, and although it constitutes a significant shift, I suggest that it is her strongest response to the problem of obligatory aid. As we have seen, this adjustment also brings Miller's Kantian view nearer to my own. Instead of an imperfect duty to meet need, we might instead focus on a perfect duty to be *responsive* to need, as I have advocated. This is concordant with Stohr's dispositional reading of the problem of obligatory aid – in the problem cases, we might say that failure to help is indicative of insufficient responsiveness, as I claimed in the previous section. The responsibility to be responsive to situations of need mirrors the mandate not to be indifferent towards people in need, and the role of moral perception and judgement is vindicated in appraising when the mandate against indifference requires direct helping, when it does not, and how best to be responsive to the needs of others.

A further concern for Miller's account of the normativity of need is that it is reliant on Kantian foundations. As I suggested in Chapter 4 when discussing inherently Kantian or utilitarian accounts,⁴¹¹ it is undesirable to premise the normativity of need on foundations which require the acceptance of considerable theoretical baggage. It is worthwhile, if possible, to avoid alienating those who see value or use in the concept of need, but who would not subscribe to an inherently Kantian picture of its normativity.

Given the problems I have highlighted for Miller's account of normativity, I instead propose to accommodate her insight into the importance of the *how* of responding to need into my own account. Her theory offers the tools of empathy, attentiveness, and moral perception and judgement to counter the ills of paternalism and complacency. As we will see in the following section, this elaboration of the dispositional tools which

⁴¹¹ See, for example, Sections 4.1 and 5.

support responsiveness will be helpful in addressing potential challenges for my account.

4. Objections

I now consider some of the most pressing challenges my account of the normativity of need faces. I begin with epistemic concerns, and then consider more fundamental challenges to this picture of normativity which seek to limit the scope of need's moral importance.⁴¹²

4.1 Epistemic challenges

The case of distant or generalised others in need brings to the fore the epistemic challenges inherent in a duty of responsiveness to others in need. We can only ever expect to have incomplete and imperfect information both about whether need exists and about the most effective means available of reducing it. How can we hope to respond to the needs of distant others when we may never be made aware of them in the first place?

A first response to this question is an acknowledgement that sometimes we will have insufficient information to be aware of, or meaningfully responsive to, the needs of others. This is possible at any level of proximity, but particularly likely as distance increases. Many of the small-scale, acute cases of faraway need that we will never hear about will also be those that we are too distant from to be able to affect. However, larger-scale, chronic, or more easily anticipated need will allow of no such defence, and demands response. The insights of Miller's account are also instructive here, as the cultivation and development of attentiveness and moral perception and judgement is critical to successful responsiveness to need. These skills are often advocated for health care professionals, for example, who care for the need of others directly and so must be able to recognise and respond to it effectively. However, a different form of attentiveness and moral judgement also contributes to prompt, considered, and

⁴¹² See Chapter 6 Sections 3 and 4 on libertarian, demandingness, and moral psychology and distance objections for my account.

sensitive strategies in order to respond to, proactively anticipate, and trace the causes of, large-scale human suffering.⁴¹³ I expand on the challenge of ensuring that responsive action is *effective* in the following chapter, where I argue that cooperation and collective action offer promising responses to concerns about demandingness and practicality.

A further concern for this account of responsiveness is the tendency to epistemic arrogance, particularly in contexts involving asymmetrical power relations. If unmet basic needs leave people vulnerable to oppression, then when we encounter people in such need from the position of someone with capacity to help, we are in a highly ethically sensitive relation. Eric Nelson warns that we are liable to “pre-empt, label, and exclude the other”⁴¹⁴ through the very act of recognition, taking ourselves to ‘recognise’ a great deal more than shared ontological vulnerability, potentially projecting features of ourselves and assuming that these too are ‘shared.’

I suspect that this is, indeed, a challenge for any moral agent attempting to be responsive to need, although I would note that it is similarly a challenge for proponents of ‘meeting’ need, and for any who attempt helping behaviour aimed at those culturally, geographically, or otherwise distant from us.⁴¹⁵ It will be helpful for the responsive agent to cultivate the attentiveness and moral judgement as suggested above, but to this we must add a degree of humility. Such humility will involve a recognition that shared ontological vulnerability does not amount to shared lived experience, and prompt the responsive agent to conduct regular reflexive checks of the particular position they inhabit, and the danger of abusing their relative power. In addition to the dispositional aid of humility, attempts to respond to distant need should be guided not only by good evidence about what works and best practice, but also by

⁴¹³ For success stories on this front, we might look to World Health Organisation programmes that have successfully eradicated smallpox and prevented HIV/AIDS and sexually transmitted infections in Thailand. See: Levine, 2007.

⁴¹⁴ 2009, p. 80.

⁴¹⁵ Indeed, the other need not be a stranger for it to be possible to overestimate our ‘recognition’ of them, as this is also quite possible in even the most intimate of relationships.

local knowledge and insight. This is a potentially daunting prospect for most individuals to undertake on their own, and I expand on a collective answer to this challenge in the following chapter.

4.2 The scope of need's normativity

I now consider the claim that need is only normative in the context of certain relationships. This challenge can be developed in a range of ways, and may defend different kinds of relationships as necessary for need's normativity. For example, David Miller suggests that need-based obligation requires a relatively high level of solidarity or cooperation:

“Greater solidarity will usually be required to underpin the need principle than the equality principle. If competitive or instrumental relationships encourage the use of desert criteria of distribution and highly cooperative or solidaristic relationships provoke the use of need criteria, equality may be appropriate to groups which display enough solidarity to make their members forgo claims based on differential contribution but not so much that they are willing to go beyond mechanical equality to take account of individual circumstances.”⁴¹⁶

I suspect that a key motivation for this concern is related to demandingness: it would simply require too much of us to have to worry about the individual circumstances of each person in need. We have cognitive and emotional limits, and these limits will not allow for the seemingly infinite consideration required to respond to need. By contrast, those we are in a cooperative or solidaristic relationship with are already a proper source of concern for us, due to the norms required by such relationships. In this sense, the challenge strikes me as compelling – as individuals we simply cannot cognitively

⁴¹⁶ Miller, 1992, p. 571. Note that the consistency of Miller's commitment to this stance on need is questionable. His 2001 paper “Distributing responsibilities” defends a pluralist account of responsibility for remedying deprivation and suffering (which he calls ‘connection theory’), which features capacity to help as a potential grounding for remedial responsibility – this indicates that sometimes mere capacity to help will be sufficient to ground responsibility to remedy need. However, his recent stance on economic migrants in “Justice in immigration” (2015) makes clear that despite the desperate need of migrants and a given state's capacity to help, no one state has an obligation to admit them; rather, there is an obligation to evaluate their case based on ‘legitimate selection criteria.’ This indicates that even when capacity to help is clear, costs are low, and need is evidently dire, there is not even a *prima facie* duty to adequately respond to need.

or psychologically handle the extreme demands that responding to every need we know of would require. As I have already indicated, my account of cooperation and collective action in Chapter 6 is intended to address this very real challenge.

However, if this challenge about scope is not reducible in some way to a challenge about demandingness, it is not clear to me what would ground such a limit on moral concern. In practice, we often *do* take the needs of strangers to be normative. This is particularly visible when we respond to charitable appeals emphasising dire need, and when we use it as a moral or political justification in public deliberation. To be sure, the *consistency* and *extent* to which we do so is problematic, as several serious, widespread ongoing human tragedies attest; but I see no reason for thinking that such concerns indicate a limit on need's normative force, rather than a failure to appropriately respond to it.

One reason for finding this objection appealing might rest in a confusion between moral *psychology* and the demands of *morality*. We have seen in Section 2.1 that it is often easier to experience empathy for people who are similar to us, and when there are fewer people in need. However, the fact that it is easier to feel empathic towards those who share our religious affiliation or ethnicity does not mean that we are absolved from moral concern for those who do not. Similarly, the fact that empathy makes responsiveness easier, and empathy will often come more easily in the context of certain kinds of relationship, does not mean that we are absolved from moral concern for those with whom we are not in such relations.⁴¹⁷

Instead, we might think the challenge is levelled at the idea of an obligation or *duty* to respond to need: perhaps it is the duty that can only exist in certain forms of relationship. This interpretation of the challenge would be committed to the view that we need not always be responsive to the existential need of others, although perhaps we must always be responsive to need of those we are in certain kinds of relationships

⁴¹⁷ For a similar line of argument in the context of climate change, see: Gardiner, 2010, p. 94-95.

with. On this view, not only would we be excused from *meeting* need, but from factoring it in our moral deliberations (i.e. being responsive to it). This is quite different than simply allowing the non-basic interests of those we are in relationship to have some amount of priority in principle or practice, or even to allowing the non-basic interests of those we are in relationship with to have priority over the basic interests of distant strangers in a particular context – this view morally allows that we give the basic need of distant strangers no moral consideration. Such a view would be seriously problematic, amounting to a rejection of the moral equality of persons.

A further concern might centre on the particular *kind* of duty I have advocated: responsiveness. It might be suggested that responsiveness can only be mandated, or even expected, in certain kinds of relationships. While our ability to be responsive to the needs of those we are in close relationships with – such as our children, friends, or family – is relatively uncontroversial, how can we be called on to be equally responsive to people we have never met?

It is important at this point to stress that responsiveness does not mandate that the moral agent have any particular *affective* response. It is certainly plausible that only certain kinds of relationships will be sufficient to generate some affective responses, and that this capacity will vary according to the psychological characteristics of any given agent, and their society's prevailing social norms. While some affective responses will be helpful in supporting responsive action, they are not mandatory. Additional tools include the forming of pro-social habits and dispositions will facilitate responsive action, but again these are intended to play a supportive role; at heart what is obligatory is responsive action.

Further, the concern points to the impossibility of demonstrating equal regard for distant strangers and those we are in close relationship with. Happily, the duty of responsiveness does not require us to be equally responsive to all people *in every sense of the word* 'responsive.' Rather, it requires that we factor all existentially urgent need in our practical deliberations, and where appropriate take action to mitigate the need. This equal concern is to be taken seriously, and we have to have weighty reasons against meeting need to decide that it should not take priority. However, we are still free to be more emotionally, communicatively, or otherwise responsive to those in

close relationships with us, as long as this does not violate the equal concern that we must show in responding to existentially urgent need.

4.3 Motivation and moral psychology

In Section 2.1, I identified limiting factors to our actual pro-social responses to the need of others – limiting factors that do not accord with the moral grounds of concern, such as the attractiveness of the being in need. This presents my account, and any account of the moral normativity of need, with a challenge of motivation. No reasonable account of the moral normativity of need will allow that it is modified by the (morally irrelevant) features of our moral psychology; and yet, to ignore such features would risk producing a theory of moral demands that people will characteristically fail to accord with.

One possible response to this challenge is to bite the bullet, and allow that morality makes demands of us that do not cohere with our moral psychology. We may fail to live up to these demands; indeed, we predictably *will* fail to live up to them. However, on this line of thinking, such moral failure does not offer reason to modify our understanding of the demands of morality.⁴¹⁸

The opposite response to this challenge is to consider modifying our understanding of morality, so that it is more in line with what we can reasonably expect of people.⁴¹⁹ Here, the thinking might be that if we know only morally exceptional people will be able to act in accordance with what we have hitherto considered the demands of morality, this gives us reason to think such demands might be properly conceived of

⁴¹⁸ Peter Singer's famous (1972) "Famine, affluence, and morality" is an archetypal response of this kind: "The way people do in fact judge has nothing to do with the validity of my conclusion. My conclusion follows from the principle which I advanced earlier, and unless that principle is rejected, or the arguments shown to be unsound, I think the conclusion must stand, however strange it appears" (p. 236). See also: Sobel, 2007.

⁴¹⁹ For example: Cullity, 2004; Wolf, 1982.

as supererogatory: to act in accordance with them would be morally exceptional, but is not morally required.⁴²⁰

Instead, I suggest that we reframe the challenge. Moral psychology does offer insight into the predictable limiting features of our willingness to act to help those in need, but it also offers us the opportunity to make meeting our duties of responsiveness more concordant with our moral psychology. For example, Lichtenberg argues that a central reason that many do not take action on global poverty, despite “almost everyone believ[ing] it is a very bad thing,”⁴²¹ is that we are highly influenced by what others around us are doing. If those around us behave as though inaction is an acceptable response, this eases the path for us to follow suit. One way of shifting this equation might be to push for the establishment of coercive sanctions, whether those of legal institutions or of social disapproval, which provide a measure of reassurance that others must also do their part. In Chapter 6, I argue that collective action and coercive sanctions offer us just such an opportunity to problem-solve the challenges of moral motivation, and I revisit the concern of demandingness in light of this revised picture of responsiveness.

5. Conclusion

I began this chapter by reflecting on one motivation for interrogating the normativity of need: that it features in our everyday moral and political practice. I briefly canvassed empirical research on altruism and empathy, suggesting that we have reason to be optimistic that people sometimes do take the need of others to be a reason for action. That is, they display helping behaviour whose ultimate goal is meeting the needs of others. I also drew attention to some moderating factors in our empathic responses. I then offered my own account of the normativity of need, which focused on the morally relevant capacities of the being in need, and their vulnerability to suffering and oppression. I suggested that many non-human animals possess capacities which

⁴²⁰ Archer, 2016, p. 334.

⁴²¹ 2004, p. 78.

ground the normativity of need, but that the way we respond to fellow human beings will be different, and is rooted in our shared interests and vulnerabilities. The relation to the other proffered was informed by the phenomenology of Levinas on the face-to-face encounter with the other, and by feminist scholarship on ontological vulnerability as a feature of the human condition. I then defended *responsiveness* as the mode of the duty we have to those in need, contrasting it with ‘meeting’ need and emphasising the role of acknowledgement. I considered Miller’s Kantian care ethics and its defence of the normativity of need, indicating challenges for her interpretation of its Kantian foundations. I then highlighted her insight into the ‘how’ of being responsive to need, and the value of attentiveness and moral perception and judgement. These tools of responsiveness then featured in my response to epistemological challenges for my account in Section 4. I entertained possible limits on the scope of need’s normativity, but ultimately suggested that there is no moral ground for such limits – need’s normativity does not require circumscribing the particular responsibilities and relationships we each hold as moral agents and human beings. Finally, I proposed that the moral psychology of our empathic responses to others offers an impetus to problem-solve, and use such insights to render the demands of responsiveness more concordant with our psychology.

If this account is right, we are morally required to be responsive to need, even if we are not always required to reduce it. In this chapter, I have had little to say about the role of collective action and institutions in responding to need, and I have not taken a stance on whether responsiveness to need might be a duty of justice – it is to these questions I turn in the following chapter.

References

- Archer, A. (2016). “Supererogation, sacrifice, and the limits of duty.” *Southern Journal of Philosophy*, 54(3), 333-354.
- Batson, C. D. (1991). *The Altruism Question: Toward a Social-Psychological Answer*. Hillsdale, NJ: Erlbaum.
- Batson, C. D. (2010). “The naked emperor: Seeking a more plausible genetic basis for psychological altruism.” *Economics & Philosophy*, 26(2), 149-164.

- Batson, C. D., Duncan, B., Ackerman, P., Buckley, T., & Birch, K. (1981). "Is empathic emotion a source of altruistic motivation?" *Journal of Personality & Social Psychology*, 40(2), 290-302.
- Batson, C. D., Fultz, J. N., & Schoenrade, P. A. (1987). "Distress and empathy: Two qualitatively distinct vicarious emotions with different motivational consequences." *Journal of Personality*, 55(1), 19-39.
- BBC News [Online] (2017, 6 Feb). *FGM victims need medical attention 'every hour' says charity*. Retrieved from: <http://www.bbc.co.uk/news/uk-england-38878298>.
- Becker, L. (1983). "The priority of human interests." In H. Miller & W. Williams (eds.) *Ethics and Animals* (pp. 225-242). Clifton: Humana.
- Botes, A. (2000). "A comparison between the ethics of justice and the ethics of care." *Journal of Advanced Nursing*, 32(5), 1071-1075.
- Butler, J. (2004). *Precarious Life*. London: Verso.
- Burggraefe, R. (1999). "Violence and the vulnerable face of the other: The vision of Emmanuel Levinas on moral evil and our responsibility." *Journal of Social Philosophy*, 30(1), 29-45.
- Burgo, B. (2011). "Emmanuel Levinas." *Stanford Encyclopedia of Philosophy* (Fall 2011 edition), E. N. Zalta (ed.). Retrieved from: <http://plato.stanford.edu/archives/fall2014/entries/levinas/>.
- Cameron, C. D. (2011). "Escaping affect: How motivated emotion regulation creates insensitivity to mass suffering." *Journal of Personality & Social Psychology*, 100(1), 1-15.
- Clement, G. (1996). *Care, Autonomy, and Justice: Feminism and the Ethic of Care*. Boulder, CO: Westview Press.
- Cullity, G. (2004). *The Moral Demands of Affluence*. New York: Oxford University Press.
- Dombrowski, D. A. (2006). "Is the argument from marginal cases obtuse?" *Journal of Applied Philosophy*, 23(2), 223-232.
- Doris, J., & Stich, S. (2006). "Moral psychology: Empirical approaches." *Stanford Encyclopedia of Philosophy* (Summer 2006 edition), E. N. Zalta (ed.). Retrieved from: <http://plato.stanford.edu/entries/moral-psych-emp/>.
- Dovidio, J. F., Piliavin, J. A., Schroeder, D. A., & Penner, L. A. (2006). *Social Psychology of Prosocial Behaviour*. Hillsdale, NJ: Erlbaum.
- Droege, P., & Braithwaite, V. A. (2014). "A framework for investigating animal consciousness." In G. Lee, J. Illes, & F. Ohl (eds.) *Ethical Issues in Behavioural Neuroscience: Current Topics in Behavioural Neurosciences Vol. 19*. Berlin: Springer.
- Dunn, E. W., & Ashton-James, C. (2008). "On emotional innumeracy: Predicted and actual affective responses to grand-scale tragedy." *Journal of Experimental Social Psychology*, 44(3), 692-698.

- Einolf, C. (2007). "Empathic concern and prosocial behaviors: A test of experimental results using survey data." *Social Science Research*, 37(4), 1267-1279.
- Elazar, M. (2003). "Meeting basic needs: Reciprocity in distributive justice." *Dissertations from ProQuest*, paper AAI3087394.
- Gardiner, S. (2010). "A perfect moral storm: Climate change, intergenerational ethics and the problem of moral corruption." In S. M. Gardiner, S. Caney, D. Jamieson, & H. Shue (eds.) *Climate Ethics: Essential Readings* (pp. 87-98). Oxford & New York: Oxford University Press.
- Herman, B. (1984). "Mutual aid and respect for persons." *Ethics*, 94(4), 577-602.
- Hill, T. (2002). "Chapter 7: Meeting needs and doing favors." In *Human Welfare and Moral Worth: Kantian Perspectives* (pp. 201-243). Oxford: Clarendon Press.
- Hill, T. (1971). "Kant on imperfect duty and supererogation." *Kant-Studien*, 62(1-4), 55-76.
- Hoffman, M. L. (1991). "Is empathy altruistic?" *Psychological Inquiry*, 2(2), 131-133.
- Honneth, A., & Margalit, A. (2001). "Invisibility: On the epistemology of 'recognition.'" *Aristotelian Society Supplementary Volume*, 75(1), 111-126.
- Johnson, R. (2008). "Kant's moral philosophy." *Stanford Encyclopedia of Philosophy* (Summer 2008 edition), E. N. Zalta (ed.). Retrieved from: <http://plato.stanford.edu/entries/kant-moral/>.
- Kant, I. (1964). *Groundwork of the Metaphysics of Morals*. (H. J. Paton, Trans.). New York: Harper & Row.
- Kant, I. (1991). *The Metaphysics of Morals*. (M. J. Gregor, Trans.). Cambridge: Cambridge University Press.
- Kohlberg, L. (1973). "The claim to moral adequacy of a highest stage of moral judgement." *Journal of Philosophy*, 70(18), 630-646.
- Levinas, E. (2002). "Philosophy, Justice, and Love: 1983." In J. Robbins (ed.), *Is it Righteous to Be?: Interviews with Emmanuel Levinas*. Stanford: Stanford University Press.
- Levinas, E. (2001). "Ideology and idealism." In S. Hand (ed.), *The Levinas Reader* (pp. 235-248). Oxford: Basil Blackwell.
- Levinas, E. (1969). *Totality and Infinity* (A. Lingis, Trans.). Pittsburgh: Duquesne University Press.
- Levine, R. (2007). "Case studies in global health: Millions saved." In R. Riegelman (ed.), *Essential Public Health*. Sudbury, UK: Jones & Bartlett.
- Lichtenberg, J. (2010) "Negative duties, positive duties, and the 'new harms.'" *Ethics*, 120(3), 557-578.
- Lichtenberg, J. (2004). "Absence and the unfond heart: Why people are less giving than they might be." In D. K. Chatterjee (ed.), *The Ethics of Assistance: Morality and the Distant Needy* (pp. 75-98). Cambridge: Cambridge University Press.

- Lishner, D. A., Ocejja, L. V., Stocks, E. L., & Zaspel, K. (2008). "The effect of infant-like characteristics on empathic concern for adults in need." *Motivation & Emotion*, 32(4), 270-277.
- Mackenzie, C. (2014). "The importance of relational autonomy and capabilities for an ethics of vulnerability." In C. Mackenzie, W. Rogers, & S. Dodds (eds.) *Vulnerability: New Essays in Ethics and Feminist Philosophy*. New York: Oxford University Press, US (pp. 33-59).
- Mackenzie, C., Rogers, W., & Dodds, S. (2014). "Introduction." In C. Mackenzie, W. Rogers, & S. Dodds (eds.) *Vulnerability: New Essays in Ethics and Feminist Philosophy*. New York: Oxford University Press, US (pp. 1-32).
- Matthews, S., & Corner, N. (2017, 18 Jan). Two months to organise a medical team of 14 for a man in dire need of life-saving operation but doctors are forced to CANCEL it due to a bed shortage, reveals TV documentary which lifts the lid on the NHS crisis. *Daily Mail Online*. Retrieved from: <http://www.dailymail.co.uk/femail/article-4129600/Hospital-documentary-puts-bed-shortage-spotlight.html>
- May, T. (2017, 9 Jan). Full text: Theresa May's 'shared society' speech. *The Spectator* [Online]. Retrieved from: <http://blogs.spectator.co.uk/2017/01/full-text-theresa-mays-shared-society-speech/>
- Miller, D. (1992). "Distributive justice: What the people think." *Ethics*, 102(3), 555-593.
- Miller, S. C. (2005). "Need, care, and obligation." *Royal Institute of Philosophy Supplement*, 80(57), 137-160.
- Miller, S. C. (2012). *The Ethics of Need: Agency, Dignity, and Obligation*. New York: Routledge.
- Mukherjee, S. P. (2014, 9 June). Address by the President of India, Shri Pranab Mukherjee to Parliament. *The President of India*. Retrieved from: <http://www.presidentofindia.nic.in/speeches-detail.htm?293>.
- Narveson, J. "We don't owe them a thing! A tough-minded but soft-hearted view of aid to the faraway needy." *The Monist*, 86(3), 419-433.
- Nelson, E. S. (2009). "Recognition, responsiveness, and misrecognition." *The Good Society*, 18(1), 79-81.
- Nussbaum, M. (2008). "Human dignity and political entitlements." In A. Schulman (ed.), *Human Dignity and Bioethics: Essays Commissioned by the President's Council on Bioethics* (pp. 351-380). Washington, DC: President's Council on Bioethics.
- Nussbaum, M. (2006a). *Frontiers of Justice: Disability, Nationality, and Species Membership*. Cambridge: Harvard University Press.
- Nussbaum, M. (2006b). "The moral status of animals." *Chronicles of Higher Education*, 52(22), 6-8.

- Overall, K. L. (2016). "The view from the other side: Using animal studies to understand how they perceive their needs." *Journal of Veterinary Behaviour*, 12, 1-3.
- Panksepp, J., & Panksepp, J. B. (2013). "Toward a cross-species understanding of empathy." *Trends in Neurosciences*, 36(8), 486-496.
- Pérez-Manrique, A., & Gomila, A. (2017). "The comparative study of empathy: Sympathetic concern and empathic perspective-taking in non-human animals." *Biological Reviews*, 93(1), 248-269.
- Perpich, D. (2008). *The Ethics of Emmanuel Levinas*. Stanford: Stanford University Press.
- Prior, H., Schwarz, A., & Güntürkün, O. (2008). "Mirror-induced behaviour in the magpie (*pica pica*): Evidence of self-recognition." *PLoS Biology*, 6(8), 1642-1650.
- Raby, C. R., Alexis, D. M., Dickinson, A., & Clayton, N. S. (2007). "Planning for the future by western scrub-jays." *Nature*, 445, 919-921.
- Reader, S., & Brock, G. (2004). "Needs, moral demands, and moral theory." *Utilitas*, 16(3), 251-266.
- Rönnegard, D. (2015). *The Fallacy of Corporate Moral Agency*. Dordrecht: Springer.
- Schiff, J. (2009). "Inclusion and the cultivation of responsiveness." *The Good Society*, 18(1), 63-69.
- Shaw, L. L., Batson, C. D., & Todd, R. M. (1994). "Empathy avoidance: Forestalling feeling for another in order to escape the motivational consequences." *Journal of Personality & Social Psychology*, 67(5), 879-887.
- Siem, B., & Sturmer, S. (2012). "Meeting recipients' needs in dyadic cross-group helping: When the nature of the helper's motivation matters." *Group Processes & Intergroup Relations*, 15(6), 762-775.
- Singer, P. (1972). "Famine, affluence, and morality." *Philosophy & Public Affairs*, 1(3), 229-243.
- Sobel, S. (2007). "The impotence of the demandingness objection." *Philosopher's Imprint*, 7(8), 1-17.
- Stocks, E. L., Lishner, D. A., & Decker, S. K. (2009). "Altruism or psychological escape: Why does empathy promote prosocial behaviour?" *European Journal of Social Psychology*, 39(5), 649-665.
- Stohr, K. (2011). "Kantian beneficence and the problem of obligatory aid." *Journal of Moral Philosophy*, 8(1), 45-67.
- United Nations Development Programme (2008, Oct). *Capacity Development Practice Note*, 8651, http://www.unpcdc.org/media/8651/pn_capacity_development.pdf
- Vollhardt, J. R., & Staub, E. (2011). "Inclusive altruism born of suffering: The relationship between adversity and prosocial attitudes and behaviour toward

disadvantaged outgroups.” *American Journal of Orthopsychiatry*, 81(3), 307-315.

Wiggins, D., & Dermen, S. (1987). “Needs, need, needing.” *Journal of Medical Ethics*, 13(2), 62-68.

Williams, G. (2004). “Two approaches to moral responsibility.” *Richmond Journal of Philosophy*, 6, 13-19.

Williams, J. (2010). “Wrongful life and abortion.” *Res Publica*, 16, 351-366.

Wolf, S. (1982). “Moral saints.” *Journal of Philosophy*, 79(8), 419-439.

Wolff, J., & De-Shalit, A. (2007). *Disadvantage*. Oxford: Oxford University Press.

Chapter 6: Need and the Demands of Justice

1. Introduction⁴²²

Is the duty to be responsive to human need best seen as a matter of justice, or of some other moral domain? In the foregoing chapters, I have developed an account of morally important needs; defended the view that the scope of justice is bounded by those duties which we deem (in principle) morally liable to coercive enforcement; and proposed that the appropriate reaction to need in human beings is responsiveness, as a demonstration of respect for the sort of animal that people are. I now bring these diverse strands together to consider the relationship between need and justice. I will suggest that our duties of responsiveness are best thought of as collective duties, grounded in the capacity of the affluent to contribute. I then identify some characteristic features that we should be able to recognise if we are being appropriately responsive to need. Further, I will argue that duties of responsiveness are indeed a matter of justice, as they are the sort of duties that are, in principle, morally enforceable. Before closing, I address the most challenging objections that might be voiced against such a view, including demandingness and coordination concerns.

In Section 2 I reflect on the nature of our duties of responsiveness, suggesting that we can best hope to fulfil duties of responsiveness through coordination in the form of collective action; whether this involves working within existing institutions, pressing for their transformation, or the creation of new institutions. I also offer a list of features that we should be able to recognise when we are being suitably responsive to the needs of other people, with a particular emphasis on the ongoing, adaptive nature of responsiveness. In Section 3, I argue that our duties of responsiveness are morally enforceable in principle, and that they are thereby duties of justice. I first canvas three lines of reasoning introduced in Chapter 3, each potentially offering sufficient conditions for considering a duty morally enforceable. I then defend the moral

⁴²² The title for this chapter is a nod to Theodore M. Benditt's 1985 "The demands of justice."

enforceability of responsiveness by reference to the moral seriousness and extent of need, and our collective capacity to respond. Further, I identify an unlikely ally that would be unhappy with the label “justice,” but would accept the moral enforceability argument. Before closing the section, I posit what enforceability of this kind might look like in practice, considering existing institutions and possible institutions and collectives that serve as examples of the sort of coordination I advocate. I address some of the chief challenges facing my account in Section 4. Does it demand too much of individuals with their own lives to lead, in an incredibly complex and constantly changing world? Can we expect people to be motivated by distant suffering when moral psychology tells us that psychological distance has a predictable negative impact on moral motivation? How can we coordinate action to effect change when, arguably, the institutions that might facilitate discharging our duties do not exist? I hope to show that although these challenges should be taken seriously, they do not provide decisive reasons to dismiss the seriousness of our responsibility to respond to human need. Rather, where solutions are not yet forthcoming, we have good reason to get problem solving.

This chapter bears on contemporary challenges of relevance for public policy, but it is not intended to offer direct policy recommendations. Rather, it should be seen as a moral argument in favour of the development of accordant policy recommendations. Determining that our need-based obligations are *amenable* to enforcement, in principle, offers a first step in the process towards such policy.⁴²³

⁴²³ The closest I come to offering a concrete policy recommendation is to advocate for the establishment of an interdisciplinary programme of research, along the model of effective altruism, to problem-solve collective and institutional approaches to our duties of responsiveness. I take it that this programme of research would make policy recommendations a focal goal.

2. Responsiveness and Coordination

Thus far, I have focused primarily on the individual duty that each human being has to be responsive to the need⁴²⁴ of fellow human beings. This comes with the caveat that some human beings, such as those with profound cognitive disabilities, may not be able to respond to need in others in any meaningful way, and so cannot be under any such duty. Of course, the capacity to be responsive to need is also variable above this minimum threshold, as radical inequality characterises our relative standing with each other both in terms of wealth and resource control, and in terms of power and influence. However, even the most impoverished among us are in a position to *respond* to need in others, even if they cannot *ameliorate* it.⁴²⁵ Recall that the appropriate form of responsiveness will vary depending on the situation. While it requires acknowledgement at a minimum, in cases where we are able to do something to help, it may require either action to address the need directly, or a more indirect response to contribute to its amelioration.

Duty of responsiveness

A moral agent has a duty to acknowledge the existentially urgent need of a fellow human being(s). Further, he or she may have a duty to stop or prevent the suffering and vulnerability caused by existentially urgent need if he or she can do so at less than significant cost to herself, either individually or by contributing to collective action.

Notice that this duty is one owed to the human being(s) in need, and we must be in a position to stop or prevent suffering at a relatively low cost.

How far does this duty extend? People are in serious need all over the world, and the causes are many and in some respects change over time. In the past, most people were arguably not in an epistemic position to know about the needs of those beyond their immediate community. However, this can no longer be credibly relied on as a limit on

⁴²⁴ Throughout the chapter, whenever I refer to duties of responsiveness to ‘need,’ I am referring to existentially urgent need (or ‘basic need’) as elaborated in Chapter 1.

⁴²⁵ It has been proposed that more immediate and everyday exposure to serious need actually discourages the temptation to ignore or ‘switch off’ (Piff et al., 2010).

the demandingness of our duties to others, as globalisation and mass communication bring reports of distant famines, ecological disasters, and wars to our inboxes and screens with the click of a button. Although media coverage may be sensationalistic and patchy, where there is large-scale human suffering due to basic needs going unmet, there are generally many in affluent countries (and in privileged pockets of developing countries) who are in a position to know about it.

As individuals, we are not capable of addressing the serious need of all our fellow human beings; but as we have seen, we are not alone in having a responsibility to respond to need. “We are capable of acting, and do act, through political and social institutions to accomplish things that would be unreasonable to demand of individuals.”⁴²⁶ Further, the same globalisation processes and technological advances that have heightened mass communication have put us in a position to coordinate and take action in ways that were previously either prohibitively costly or simply unavailable.

I suggest that to adequately respond to the scale of human need we currently face, we are required to coordinate our efforts in order to take effective collective action. This proposal is in keeping with a rich literature on coordination or institutionalisation as a means for addressing demanding ‘positive’ obligations.⁴²⁷ Developing a full theory of collective duties of responsiveness is beyond the scope of this project, but drawing from existing work on collective duties to distant fellow humans should give us enough to work with.⁴²⁸

⁴²⁶ Kassner, 2009, p. 191.

⁴²⁷ For example, see: Cripps, 2013; Lichtenberg, 2013; Kassner, 2009; Mieth, 2008; Shue, 1988, 1985; Goodin, 1985. ‘Positive’ is in quotes as not all the authors listed accept a distinction between negative and positive duties or responsibilities, and I myself have cast aspersions on a strict binary between them in Chapter 3.

⁴²⁸ In particular: Björnsson, Forthcoming; Cripps, 2013; Lichtenberg, 2013; Kassner, 2009. For a general account of collective responsibility, see: May, 1987. On points of parity between individuals’ and collectives’ obligations, see: Collins & Lawford-Smith, 2016.

Most people in the affluent developed world, and wealthy elites in developing countries, are in a position to contribute to action responding to need at a “less than significant”⁴²⁹ cost to themselves. Although all people are responsible for responding to the needs of others to an extent reasonable given their capacity, the capacity of the affluent means that they are uniquely able to coordinate, forming collectives that not only improve efficacy and scope, but potentially also alleviate demandingness concerns and bolster our moral motivation.⁴³⁰ I will expand on demandingness and moral motivation in Section 4.

The line of reasoning runs as follows.⁴³¹ Taken as an individual, I do not have the ability to respond meaningfully to the current extent of basic human need. However, I am one individual among many who is a member of an affluent nation, and taken as a whole, all those individuals with the capacity to contribute do have the ability to meaningfully respond to basic human need (collective capacity). If we have the capacity to respond to such existentially urgent need at less than significant cost, then we should do so.⁴³² Failing to do so amounts to a failure to take human lives seriously. In virtue of our collective capacity, and the seriousness of human need, we as individuals are subject to a collective obligation to contribute to responding to need (collective obligation).

Our collective obligation is best understood in terms of a *shared* obligation: ‘the affluent’ do not constitute an organised group, but rather a number of individual agents whose contributions make the fulfilment of the obligation feasible.⁴³³ The result at the

⁴²⁹ Cripps, 2013, p. 13.

⁴³⁰ Capacity to help has a causal history. Where that capacity is derived from historical injustice, our need-based obligations must be augmented or supplemented with historical ones. See: Berkey, 2017; Thompson, 2000.

⁴³¹ Thanks to Philip Cook for encouraging me to spell out the steps in the argument establishing collective obligation here.

⁴³² Approximations of this principle have been taken to offer a kind of moral bedrock by some moral theorists (for example: Singer, 1972; Ross, 1930). Quite how we should interpret the cost qualifier, and therefore how weak or strong the principle ends up being, has been the subject of much debate. For a survey of contributions to this debate, see Sonderholm 2012.

⁴³³ Björnsson, Forthcoming.

individual level is the individual duty to facilitate the fulfilment of the collective obligation. Although each individual contribution is insufficient in itself for fulfilling the collective obligation, such contributions have moral worth and are thus meaningful contributions. Individuals have a duty to collectivise, rather than to each act separately to respond to need, because it is only through coordination that we can hope to respond to need effectively, and in the long term. Coordination facilitates strategic planning and prioritisation,⁴³⁴ while individual response to need will be predictably haphazard. Further, many of the most significant threats we currently face are best thought of as fundamentally collective problems, with climate change as perhaps the most obvious example:

“A great many persons (present and future) face a global-level threat from which we could protect them by organising ourselves effectively to act together in certain ways, but which instead we are making much worse, through the combination of billions of individual actions.”⁴³⁵

By coordinating with others, we are able to define and distribute duties whose requirements might otherwise be indeterminate or infeasible. It is overly burdensome to expect duties to all people in serious need to be action-guiding for individuals in any direct sense, as the capacity of any individual affluent person will run out long before human need does, and prioritising between claims is simply not feasible at such a psychological distance. As Joshua Kassner argues, by ‘institutionalising’ these obligations, we are able to form collectives of people who are jointly responsible for responding to need, with each individual required to do their part to ensure that the collective achieves its aims.⁴³⁶

Where collectives to appropriately respond to need do not exist, they should be formed.⁴³⁷ On this view, we have duties to establish and support collectives that would

⁴³⁴ Shue, 1988.

⁴³⁵ Cripps, 2013, p. 2.

⁴³⁶ Kassner, 2009, p. 188.

⁴³⁷ Cripps calls potential sets of individuals who have a moral duty to espouse a goal, and would form a collectivity if they were to do so, ‘should-be collectivities’ (p. 60).

then distribute our duties of responsiveness. Establishing such collectives and institutions will help to specify individual-level contributions:

“[We have a duty to] expand current feasible sets of political action so that certain just distributions that are infeasible (or have very low feasibility) in the present become feasible (or more feasible) in the future. [...] For example, it would be a mistake to say that there is not a duty of justice to help eradicate global poverty because it is currently unclear who should do what for whom, or because we currently do not have international institutions scheduling and enforcing specific forms of contribution.”⁴³⁸

The process of forming a collective involves cost in itself, and this cost should be factored into what each individual can reasonably be expected to contribute. Similarly, where existing collectives require ongoing support or transformation to respond to need, associated costs should be accounted for. Such collectives may take a variety of shapes. Elizabeth Cripps offers the following possibilities:

- (a) an effective agreement between states
- (b) an extended remit for an existing international organisation
- (c) the establishment of some stronger, global-level institution
- (d) a global-level agreement between individuals or sub-state collectivities⁴³⁹

The action of collectives between individuals or sub-state collectives (d) will be a necessary step to achieving change in state or international institutions.

2.1 Collective capacity to respond to need

I have not yet said enough about our collective capacity to respond to need to motivate the account. The motivation to move to a collectivised picture is largely grounded in capacity. If each individual responded to need to the extent reasonable based on their capacities (i.e. at less than significant cost to herself), without coordinating with others, the results would be haphazard at best, providing insufficient security for the most vulnerable. Coordination enables strategic planning and prioritisation, division of labour, and the establishment of processes which reduce error, waste, and

⁴³⁸ Gilabert, 2016, p. 518.

⁴³⁹ Cripps, 2013, p. 20-21.

duplication.⁴⁴⁰ Although mass coordination can also have its drawbacks, such as the potential for wasted time and resources when bureaucracy goes awry, or lack of sufficient transparency or accountability mechanisms, when seeking to tackle widespread and persistent global problems, I take it that some level of coordination will be necessary in order to be effective.

Will the coordinated efforts of those in a position to contribute be sufficient to respond to those in need? This is a complicated empirical question, and I will not be able to definitively answer it here. Philosophers have taken up empirical research in this area to provide very different answers in the past. Often, the answer depends on the perceived source of need (whether global poverty, climate change, or refugees and conflict).⁴⁴¹ In the case of global poverty, Thomas Pogge has stressed that although institutional reform is necessary to eradicate poverty, these reforms are achievable, and at relatively minimal financial cost: “the mere fact that the poorer half of humankind consume under 2% of the global product (at market exchange rates) strongly suggests that severe poverty is wholly or very largely avoidable today.”⁴⁴² In contrast, Leif Wenar cautions against excessive confidence in the empirical thesis “that small sacrifice from the rich can bring great benefit to the poor.”⁴⁴³ He cites a body of literature that is pessimistic about the effectiveness of aid, pointing to its tendency to be directed to meet strategic or political goals rather than humanitarian ones, and the

⁴⁴⁰ Shue, 1988.

⁴⁴¹ In the case of climate change, Cripps warns that we may soon be unable to both effectively address climate change and meet the basic material needs of the existent human population (2015). The IPCC has suggested that, at the time of publication in 2014, “limiting climate change would require substantial and sustained reductions in greenhouse gas emissions which, together with adaptation, can limit climate risks” (2014, p. 8). However, there are sufficiently clear reasons of self-interest to address climate change that, even if we did not have the capacity to entirely mitigate the adverse effects of climate change, the argument for some other form of action (such as adaptation) is difficult to question. In the case of refugees, I am not aware that brute capacity to help has been questioned as a limiting factor in our moral responsibilities. 86% of refugees are resettled in neighbouring, *developing*, countries that are close to conflict (UNHCR, 2016). I take it that developed countries have superior material resource and infrastructural capacities, such that capacity to help is not at issue.

⁴⁴² Pogge, 2007b, p. 3-4.

⁴⁴³ Wenar, 2003, p. 291.

risk that it establishes perverse incentives and dependence, and delays reform. However, far from recommending that we abandon all hope, Wenar takes this as impetus for those who give regular charitable donations to push for better research into what makes aid effective, and to improve accountability mechanisms in both state aid activities and non-governmental organisations. This proposal is far from indicating total scepticism of the possibility of benefit from aid, but rather presumes that at least some aid *is* effective.

Where does this leave us? Those who are optimistic that global poverty and its associated suffering can be eradicated, and even in one lifetime, caution that simply siphoning money from the global affluent to the global poor is not a solution to creating lasting change. Massive poverty reduction in East Asia has more than halved global poverty levels since 1990, but Sub-Saharan Africa has proved to be a challenging case, with only slight reduction in the proportion of people in poverty.⁴⁴⁴ This suggests that, going forward, poverty reduction may have to target particular countries in order to have a realistic chance of change.⁴⁴⁵ However, these figures may also be cause for optimism: it is possible to drastically reduce poverty in the course of a lifetime. Further, many are now taking up Wenar's challenge in the form of the effective altruism movement, applying scientific evidence and philosophical method to try to maximise the good achievable by altruism on the part of the global affluent.⁴⁴⁶ This is not a movement positioned to substitute for broader coordination and institutional change, as it relies on maximising the contribution of individuals, rather than coordination and collective action. However, it marks a more sophisticated approach

⁴⁴⁴ Linda Yueh, chief business correspondent of BBC News, looked at the UN Millennium Development Goal of halving poverty (from 36% in 1990) by 2015. It was met five years early, in 2010, but largely attributable to China. While progress in East Asia has been outstanding, the number of poor people in Sub-Saharan Africa has actually increased. This means that strategies must now be tailored to individual countries. She reports that World Bank President Jim Yong Kim is "confident" that poverty can be eradicated (2015, para. 14).

⁴⁴⁵ It may turn out that the best way to alleviate need is to tackle causal sources of need and dependency, whether directly or indirectly. If this is the case, responsiveness in practice will require empirical research into the causation of need, despite the moral argument as I have offered it relying on need-in-itself.

⁴⁴⁶ See, for example: MacAskill, 2015; Singer, 2009.

to discharging our individual duties, and champions the importance of planning and evidence-based decision-making in response to need.

2.2 Characteristics of responsiveness

Before I move on to ask whether our collective duties of responsiveness are morally enforceable, it is worth pausing to consider what responding to need looks like in practice. I have already suggested that acknowledging need is a minimum requirement, meaning that it must be considered in the moral agent's practical deliberations.⁴⁴⁷ However, often, responsiveness requires more. When we are in a position to stop or prevent suffering at a reasonably low cost to ourselves, we must go beyond acknowledging that suffering, and take action. A suitably responsive action:

1. *Takes context into account*

This is illustrated in the real-life situation of Sub-Saharan Africa's poverty reduction proving more intransigent to improvement than other areas of Africa or Asia over the last several decades. What works in one context may be counterproductive in another, and attempts to respond to need should be directed both by the best evidence and practice available, and by local knowledge and insight.

2. *Learns from past mistakes*

Thankfully, the endeavour of responding to serious need is not a new one, and many lessons have been learned in international development and aid practices that are vital to making our efforts effective in the future. It means that good quality programme and policy evaluation research is a high priority, and should help to direct strategic planning on an ongoing basis.⁴⁴⁸ It also means that we should have good reason to think the situation will be improved by our actions; hoping, or deciding to 'wait and see' are not strategies sufficiently responsive to need unless we have good reason to think inaction is the best way to ensure needs are met.

3. *Is an ongoing conversation*

Responding to need requires more than a one-off action: it is more like a conversation than a statement. The scale and complexity of serious need on a global scale mean that it is an iterative process to set

⁴⁴⁷ The idea of reasons that must feature in our practical deliberations is adopted from Kassner (2009, p. 184-5).

⁴⁴⁸ Amanatidou et al., 2014.

about responding to it, requiring planning for both the short- and long-term. Securing the means to reliably address the basic needs of the most vulnerable will involve constant re-thinking to meet emerging challenges.

4. *Balances acute and preventive considerations*

The extent of urgent human need *now* is sufficiently dire that responding to it risks overwhelming our attention entirely. However, it cannot be allowed to obscure the importance of securing the necessary conditions for anticipating and responding to *future* need. We can learn from insights into this difficult balance from public health research and practice.⁴⁴⁹

In suggesting these features of responsive action, I draw from Scanlon's notion of justifying our actions to others.⁴⁵⁰ I do not rely on his contractualist commitments, but responsiveness taps into the very intuitive need to make decisions and behave as though the people whose lives are affected by your decisions are present. What would you say to people affected by your decisions? How would you explain yourself? Appropriate acknowledgement of need will often require this kind of public justification, particularly in cases where the decision has been taken *not* to reduce need. Public acknowledgement is an expressive act of recognition, signalling that those in need matter, that they are not invisible.

None of these features of responsiveness is revolutionary, and to realise them requires a great deal of empirical and strategic know-how. However, I hope it provides a clearer outline of responsive action. Further, when we do not have a reasonable chance of taking more direct coordinated action to respond to need, for example due to lack of sufficient empirical research on responses to complex needs in a particular geographical area, we should instead focus on supporting research to supply the lack.

⁴⁴⁹ For example: Kelleher, 2013; Bitton & Eyal, 2011; Brock & Wikler, 2009. Responding to need more generally is somewhat different to the health care case, in that effective response here may require addressing the root causes of need and dependency (such as unjust structures and systems which reproduce dire need). If this is so, effective response will be aligned in all but the most acute cases. On making difficult choices of priority in climate change and population justice, see: Cripps, 2015.

⁴⁵⁰ Scanlon, 1998.

3. Morally Enforceable Collective Duties of Responsiveness

I now turn to the heart of this chapter. In the previous section, I suggested that we should respond to need by forming (or supporting, or transforming) collectives, which provide a range of benefits in making real progress in responding to need. I have not attempted an evaluation of our existing institutions and practices, or defended particular actions that should be taken in practice: I recommend Judith Lichtenberg's 2013 *Distant Strangers* as a balanced and action-guiding work on the subject, and many others have also tackled these questions.⁴⁵¹ Rather, I have sought to provide a picture of the kind of duties we share to respond to need, in order to defend the claim that these duties are morally enforceable, in principle. To put it another way, they are the kind of duties which *can* legitimately be the subject of state or institutional coercion. The emphasis on 'can' is important, as I will not attempt to argue for the unnecessarily strong (and misguided) claim that such duties should *always* be enforced. This is a point of principle, and not a mandate for blanket coercive institutional practices. However, if the distinction I defended in Chapter 3 between justice and beneficence was successful, this point of principle will establish that duties of responsiveness to need are a matter of justice, as they fall within the scope of moral enforceability.

I have been concerned with justice throughout this project because of the categorical moral tone that it conveys. It indicates the realm of entitlement, claims that can be made without relying on *noblesse oblige*, and responsibilities that cannot be shirked whenever the going gets tough. However, for some, justice has a very different, and inherently institutional, meaning.⁴⁵² Those with such a political conception of justice may not recognise my picture of justice as moral enforceability, but I hope that they will still be moved by the argument for moral enforceability itself. If we can agree that

⁴⁵¹ Pummer, 2016; MacAskill, 2015; Cripps, 2013; Illingworth et al., 2011; Singer, 2009; Schweickart, 2008; Pogge, 2007a, 2002; Andreou, 2007.

⁴⁵² Familiar proponents include John Rawls (1971) and Nagel (2005).

duties of responsiveness to need are stringent enough to be enforceable, it is enough to establish the kind of moral (if not rhetorical) force I seek.⁴⁵³

I begin the section by arguing for the moral enforceability of duties of need. I then identify an unlikely ally in the form of a proponent of a political conception of justice: Thomas Nagel. Although he would not accept that need-based duties are duties *of justice*, he accepts that minimal humanitarian duties are morally liable to state coercion. Finally, I will highlight some examples which may make the idea of coercion seem more plausible in this context.

3.1 On the moral enforceability of need-based duties

Much of the philosophical literature defending need-based or ‘positive’ duties has tended to either structure the debate specifically to address libertarian⁴⁵⁴ concerns and critics, or to take libertarian assumptions as a starting point, which puts the burden of proof on any departures from this position.⁴⁵⁵ Although this is understandable, I think it would be a mistake to allow too much of the discourse to be shaped by a repetition of the same concerns, particularly as it risks distorting the landscape of the discussion to make libertarianism appear a more popularly defended foe than may be accurate. However, I will begin by offering Narveson’s test for determining when something is a duty: “When there is good reason, interpersonally considered, to require the person in question to do or refrain from the act in question.”⁴⁵⁶

In Chapter 3, I identified three possible lines of reasoning for defending the moral enforceability of a given duty: the harm principle, the basic goods view, and the human

⁴⁵³ That said, I cannot resist a brief comment here to point out how strange it would be to find ourselves with duties that are subject to coercive enforcement by the state, that are owed to others on impartial grounds of equal concern and respect, but that we cannot call duties of justice.

⁴⁵⁴ I take the core of this view to be that there is a strict division between negative duties of non-interference (i.e. duties not to harm) and positive duties of aid, and that only negative duties can be enforceable duties of justice.

⁴⁵⁵ Lichtenberg, 2013; Ashford, 2009; Mieth, 2008; Gilabert, 2006, 2004; Pogge, 2002; Russell, 1987.

⁴⁵⁶ 2003, p. 422-3. Admittedly this is not the most provocative of Narveson’s contentions.

dignity view.⁴⁵⁷ I now revisit each in turn, and consider their verdict on the enforceability of the duty of responsiveness. I then turn to more general considerations in favour of need's enforceability, arguing that the extent of human need, taken with our collective capacity to contribute, gives us good moral reason to see need-based duties as legitimately enforceable.

John Stuart Mill's *harm principle* is a reasonable place to start, as it is still in use in defence of the principled limits of law in legal theory.⁴⁵⁸ Recall:

The Harm Principle: "The only purpose for which power can be rightfully exercised over any member of a civilized community, against his will, is to prevent harm to others."⁴⁵⁹

However, the harm principle is notoriously ambiguous as to what counts as harm. On a narrow reading that only considers direct harms, regulation that is paternalistic or aimed at collective goods will be ruled out. Mill himself departs from this reading of the principle by defending the enforceability of some autonomy-enhancing paternalism (such as education) and collective goods (such as public safety).⁴⁶⁰ The difficulty of specifying harm such that it classifies a range of behaviours that is neither too narrow nor too broad has led some legal theorists to instead see the harm principle as defining one way, among others, that a duty might be properly subject to coercive enforcement.⁴⁶¹ I will adopt that interpretation here: the harm principle offers sufficient but not necessary conditions for legitimate enforcement. Although a narrow reading of harm, and the harm principle, would not allow for the enforcement of need-based duties as they do not require that a *harm* has taken place, there are other considerations that may warrant the enforceability of need-based duties.

On a *basic goods view*, duties are institutionally enforceable when they aim at basic goods. On this understanding, basic goods are any goods which are necessary to enjoy

⁴⁵⁷ See Chapter 3 Section 3.5.1 for a discussion of each view.

⁴⁵⁸ Gardner, 2007.

⁴⁵⁹ Mill, 2012a, para. 10.

⁴⁶⁰ Stanton-Ife, 2006, section 3.6.

⁴⁶¹ Stewart, 2010.

any further goods, such as subsistence and security. This view accommodates a wider range of duties of justice than a narrow interpretation of the harm principle, including autonomy-enhancing paternalism and collective goods when they are basic. However, it is not clear whether it can accommodate cases which appear to be enforceable, but aim at seemingly non-basic goods, such as the duty to keep contracts. More importantly for the task at hand, I have defined basic needs in terms of the necessary conditions for the securing of any other human goods, so the basic goods view would allow the enforceability of basic needs almost by definition. Even if this is right, it does not substantively add to our reasons for considering need-based duties enforceable.

Similar concerns arise for the view that moral enforceability is connected to the necessary conditions for a life worthy of *human dignity*.⁴⁶² This is the most maximal view of the three, and will clearly rely on what we take human dignity to consist in, and what is necessary for securing it. However, as our existentially urgent needs denote necessary conditions for *any* other human goods, they will by definition be included in the remit of enforceability. As we saw with the basic goods view, the human dignity view cannot expand our understanding of the reasons we have for taking need-based duties to be enforceable.

I suspect that the issue of distinguishing the range of duties which are morally enforceable is a substantive one, and one that cannot be settled by refining our definition of enforceability. Rather, it must be settled on the grounds of whether we have good reason, in principle, to enforce a given duty. I propose that the extent and moral seriousness of human need, taken with the collective capacity to respond, give us in-principle grounds for coercive enforcement. I commented on the collective capacity to respond in the previous section, and I now turn to the extent and seriousness of need.

⁴⁶² Nussbaum, 2011, especially p. 167-169.

The current scale of human need is tragic.⁴⁶³ In 2013, 767 million people lived on less than 1.90 USD a day, and over half of those people were children.⁴⁶⁴ Progress for those who move out of poverty is often temporary, as they are particularly vulnerable to political and economic shocks, food insecurity, and climate change.⁴⁶⁵ Over 800 million people still go hungry. Vastly more people (2 billion) have micronutrient deficiencies or “hidden hunger” due to insufficient vitamins and minerals. 161 million people – 51 million of those children aged under 5 – were affected by stunting or wasting in 2013.⁴⁶⁶ Although there has been significant improvement in poverty and malnutrition rates in recent decades, particularly in East Asia, we also face rising challenges associated with climate change and forced displacement due to conflict and persecution. 24 people were forced to flee their homes each minute in 2015.⁴⁶⁷ The UNHCR projects that 1.19 million refugees will need resettlement in 2017, which is up 72% from 2014, before the large-scale resettlement of Syrians.⁴⁶⁸

This level of human suffering is dire enough that it must be taken seriously. Any moral or political theory that cannot mandate action of some kind will go against the deeply held moral intuitions of many that we are required to make some reasonable effort to help one another.⁴⁶⁹ Otherwise, we are left concluding that it is morally permissible to be unmoved in the face of suffering and need that we could have contributed to ameliorating. There is something paradoxical in the idea that “respect for other people’s interests is not violated provided we ignore them entirely, if we have nothing

⁴⁶³ Indeed, we might think the level of need identified in the following passage warrants something more than the duty of responsiveness I have defended: revolution. For example, see Fabre (2012) for a defence of the legitimacy of subsistence wars.

⁴⁶⁴ World Bank, 2016.

⁴⁶⁵ World Bank, 2016.

⁴⁶⁶ WHO/FAO, 2014.

⁴⁶⁷ UNHCR, 2016.

⁴⁶⁸ UNHCR, 2017.

⁴⁶⁹ Russell, 1987.

to do with them.”⁴⁷⁰ This indicates that some level of *moral impermissibility* attaches to failing to respond to the kind of existentially urgent need we are considering.

The moral impermissibility involved is made clearer by reflection on the structure of the duty of responsiveness. Rather than a mandate to *meet all* basic needs, the strict component of the duty is one of *acknowledgement*. Recall that, whatever else is involved in responding to someone in need, we must first acknowledge their existence, which means that we must consider them in our practical deliberations.⁴⁷¹ Often it will be appropriate that acknowledgement is explicitly expressed; this is particularly true of responses to need which will not result in reducing it. While the appropriateness of action to reduce need is situational, we must always at least respond with acknowledgement. To fail to acknowledge the existentially urgent need of our fellow human beings would be a fundamental failure of equal concern. Taken with our collective capacity to respond to need, we have sufficiently serious moral reason to, in principle, warrant coercive enforcement of a duty of responsiveness.

Granting this, the next step is to question why someone who accepts that helping is morally required would *in principle* oppose state or institutional coercion.⁴⁷² Lichtenberg proposes two possible explanations:

- (a) However small the cost, and however serious the suffering, not helping is never as bad as harming.
- (b) Not helping does not rise to the level of wrongness or moral unacceptability that justifies state coercion.⁴⁷³

⁴⁷⁰ Lichtenberg, 2013, p. 41. This is particularly true given Lichtenberg’s argument in “Negative duties, positive duties, and the ‘new harms’” that our most banal day-to-day activities, such as buying groceries, are implicated in complex causal chains through international global commerce which funds dictatorships, exacerbates climate change, and makes many lives go worse. Even by turning our backs on people in need, we are not thereby having nothing to do with them (2010).

⁴⁷¹ See Chapter 5 Section 3.4.

⁴⁷² Recall that although there could be many contextual features which would make such coercion inadvisable, morally impermissible, or even illegitimate in practice, these do not militate against in principle enforceability.

⁴⁷³ Lichtenberg, 2013, p. 26.

Although some have sought to challenge (a) with counterexamples indicating that contribution to harm is often less important than the degree and urgency of need,⁴⁷⁴ I will not attempt such a challenge here. Instead, note that even if (a) is true, (b) does not necessarily follow, and (b) is what is necessary to maintain the principled opposition to coercing people to aid others. Lichtenberg advises that libertarians offer no argument for (b), simply taking it as a kind of existential claim that you cannot be held responsible for making people better off.

Narveson's libertarian brand of contractarianism does not provide much illumination. He claims that for any duty to be accepted as such, it must be in the rational interest of each to accept it. In his view, "prospects for a universal agreement to help others when they need help, as an enforceable duty, are poor."⁴⁷⁵ Presumably this is based on concerns about self-interest and lack of reciprocity on the part of those who would be required to help, although Narveson does not elaborate. However, it is still not clear that these provide in-principle challenges to state coercion, even within contractarian reasoning. Resources could, in principle, be sufficiently evenly distributed to do away with reciprocity concerns in some circumstances. Alternatively, vulnerability or risk could be sufficiently randomised, or evenly distributed, to give those contracting reason to accept coercive measures, even without any veils of ignorance.

More importantly, concerns about a lack of substantive reciprocity at the international level are unlikely to provide sufficiently serious *moral* reason to outweigh the moral seriousness of urgent need altogether. For them to do so, it would have to be the case that need is *never* of sufficient moral seriousness to outweigh considerations of reciprocity, even in cases where effective responsiveness is straightforward and of low cost. To maintain this would display insufficient respect for the moral status of those in need.⁴⁷⁶ Even if we take it that self-interest is decisively in favour of not

⁴⁷⁴ For example: Overland, 2005.

⁴⁷⁵ Narveson, 2003, p. 423.

⁴⁷⁶ Zofia Stemplowska offers a similar argument in defence of a 'duty to take up the slack' in the face of dire need, suggesting that the unfairness or inequality resulting from slack-taking

contributing,⁴⁷⁷ this is better understood in terms of a challenge of feasibility or demandingness, rather than as a moral challenge.

Norman offers a unique defence of the moral importance of reciprocity, and of the idea that any need-based claims must presuppose a prior norm of reciprocity. He argues that reciprocity is an adaptive species norm, and that an evolutionary account of reciprocity is indicated by its pervasiveness in animal behaviour: “in contrast to a community of cheaters and suckers, a community of reciprocators will survive.”⁴⁷⁸ The suggestion is that the existence of ‘cheaters’ threatens to overwhelm species or groups who will be taken advantage of if they are too altruistic. Although the moral argument here is somewhat tangled up in the observation of reciprocity as a common species norm, two remarks should suffice as a response. First, we are in no danger of losing reciprocity norms as a species. Reciprocal relations are a ubiquitous feature of human life, and responding to the basic need of fellow humans does not credibly threaten to upend our moral and social relations such that reciprocity would lose its place, or its hold on our moral psychology. Second, I have defended a duty of responsiveness that is sensitive to cost, and the cost of responsiveness on this view does not threaten to overwhelm us.

I can imagine one remaining reason to accept (b), which focuses on the proper domain of the state. The challenge might be something like: ‘Helping people in need is all well and good, but it isn’t the state’s business.’ The challenge might possibly include a special caveat that helping non-citizens in need is even less within the state’s domain. In this case, coercion is inappropriate because any state activity in this realm is inappropriate. I fear that sufficiently responding to such a challenge would require providing a theory of the state and its proper domain. However, I agree with Kassner

is never morally serious enough to outweigh “the gravity of the need faced by the victims” (2016, p. 597).

⁴⁷⁷ It is not at all clear that self-interest will be in favour of not contributing to collective action on sources of human need such as climate change. Further, the risk of persistent, desperate need leading to political upheaval, conflict, and wars motivated by scarcity of basic goods such as water, is difficult to accurately factor in such calculations.

⁴⁷⁸ Norman, 2001, p. 127.

in thinking it plausible that at least one reason states are justified in existing at all is their ability to help us coordinate and secure social goals that would otherwise be unachievable.⁴⁷⁹ If international aid, for example, was a high priority for most of a state's people, I cannot see how this challenge would withstand scrutiny.

Without sufficient reason to accept (b), we relapse to the arguments I provided in the previous section for thinking that coordination and collective action are the most appropriate and efficacious means of tackling serious human need at a global level. We have collective duties grounded in our collective capacity to respond to need, and the moral seriousness of the extent of human need, and it is the coordinating power of collectives and institutions which makes them an appropriate sphere for enforcement: "the obligations we bear provide our social and political institutions with the moral justification necessary to coerce us into supporting action that will fulfil the moral burdens we share."⁴⁸⁰ Further, enforcement provides assurance of compliance that makes contribution less psychologically burdensome, and offers less risk of relative disadvantage as a result of contribution.⁴⁸¹

3.2 An unlikely ally

Thus far, I have defended what might be seen as cosmopolitan duties: enforceable duties of responsiveness to need as a demonstration of appropriate respect for the value of our fellow human beings. However, I now identify a proponent of a constructivist view of justice who also defends the existence of some minimal, *enforceable*, humanitarian duties to non-compatriots. The existence of such an ally does not provide overriding reasons for accepting the account I have proposed; however, it may serve to make the duties I defend seem less insular.⁴⁸²

⁴⁷⁹ Kassner, 2009.

⁴⁸⁰ Kassner, 2009, p. 191.

⁴⁸¹ Nagel, 1975.

⁴⁸² Kassner suggests that Saladin Meckled-Garcia should also be seen as an ally from the constructivist camp. However, he indicates only a very brief line in Meckled-Garcia's 2008 "On the very idea of cosmopolitan justice" to support this, and even that line seems too begrudging to be elaborated into support for my account: "Of course, I do not deny that there

On a constructivist or “political conception of justice,”⁴⁸³ demands of justice only exist within an institutional context that is unique to sovereign states, whose members are “fellow participants in a collective enterprise of coercively imposed legal and political institutions.”⁴⁸⁴ This necessarily precludes any duties of justice to non-compatriots as international institutional arrangements currently stand, as it is argued that insufficient international coercive mechanisms exist for anything like the relation of co-membership, necessary to justice on this view, to obtain. Essentially, we do not stand in the proper relation to non-compatriots to have transnational duties of justice.

Given this, it might seem surprising to find a proponent of a political conception defending enforceable humanitarian duties. However, Nagel is emphatically not committed to the view of justice as moral enforceability I defended in Chapter 3. This means that transnational, and even global, duties to aid the worst off are still potentially enforceable; they simply cannot be termed duties of justice.

Nagel defends a “moral minimum” that “governs our relations with everyone in the world”.⁴⁸⁵

“The normative force of the most basic human rights against violence, enslavement, and coercion, and of the most basic humanitarian duties of rescue from immediate danger, depends only on our capacity to put ourselves in other people’s shoes. The interests protected by such moral requirements are so fundamental, and the burdens they impose, considered statistically, so much slighter, that a criterion of universalizability of the Kantian type clearly supports them. [...] It does not require us to make their ends our own, but it does require us to pursue our ends within boundaries that leave them free to pursue theirs, and to relieve them from extreme threats and obstacles to such freedom if we can do so without serious sacrifice of our own ends.”⁴⁸⁶

are moral duties applying across domains and agents, not just within them, to observe and sometimes act to protect fundamental rights for example” (p. 246).

⁴⁸³ Nagel, 2005, p. 132.

⁴⁸⁴ Nagel, 2005, p. 128.

⁴⁸⁵ Nagel, 2005, p. 131.

⁴⁸⁶ Nagel, 2005, p. 131.

Here the justification for the moral enforceability of need-based duties is grounded in the moral seriousness of need, and our capacity to help without serious sacrifice, much like the argument I offered in the previous section.

Nagel goes on to argue that even such basic duties are not achievable without some level of institutional coordination, although he requires that these institutions stop short of sovereignty. Further, he recommends that international institutions be supported to enforce such duties by governments, which may also act as sources of funding.

As we have seen, although Nagel does not characterise the basic humanitarian duties he defends as duties of justice, he does defend the moral enforceability of such duties.

3.3 Envisioning enforceability

This section offers some possible models of state enforcement of duties of responsiveness to need. In doing so, my purpose is not to advocate for any particular model, but rather to identify a range of options to render the enforcement of responsiveness somewhat more tangible. A wide spectrum of collective and institutional action is potentially legitimate, in principle, but democratic processes and political context will be decisive as to whether any particular model is practically feasible, or all-things-considered justified.

Some current practices could be seen as forms of state enforcement relevant to our duties of responsiveness. The most obvious example that comes to mind is state welfare programmes. However, these are also potentially justified by the cooperative institutional relations which constructivists characterise as limited to the nation state, and so not of direct use here. Perhaps a more illustrative model is that offered by Nagel, on which international institutions coordinate with governments to enforce what he calls the duty of rescue. He cites examples such as the World Bank and the International Criminal Court. On this model, sovereign states supply funding through non-discretionary taxation of citizens and associated enforcement procedures, and the relevant international institution coordinates planning and activities as indicated by the institution's goals. This model might be expanded to feature enforceable financial or

political sanctions for those member states who abdicate their agreed responsibilities.⁴⁸⁷

Alternatively, some stronger, global-level institution might be established, with the responsibility of scheduling and enforcing specific forms of contribution at the state level.⁴⁸⁸ This is perhaps easiest to imagine in the case of a potential institution tackling climate change, where a range of creative solutions for the distribution of responsibilities are reasonably well-developed.⁴⁸⁹ For example, Daniel Farber proposes the establishment of an international compensation commission for countries that have incurred climate adaptation expenses.⁴⁹⁰ He suggests that compensation might come from an international fund, or from an emissions credits trading scheme.

Instead, the enforcement of duties of responsiveness might be pursued outside the context of states, by forming a global-level agreement between individuals or sub-state collectives. In this case, enforcement could not take a *legal* form (at least on current models of state sovereignty), but would rather be a matter of more informal collective norms, or of voluntary commitment to be liable to sanction when one abdicates one's responsibilities. Such collectives might either seek to directly respond to and mitigate need, or to indirectly contribute to that goal by pursuing political activism with a view to establishing legally enforceable institutions of the kinds already indicated.

What might state enforcement mechanisms involve for individuals living in these states? The most obvious mechanism for the affluent is taxation in support of direct responses to need, institutional structures which facilitate such responses, and research and development into effective responses. Practical challenges will, in many cases,

⁴⁸⁷ The structure of the argument, as I have defended it, has not justified the international enforcement of sanctions *between* sovereign states, outside the context of voluntary agreements of the sort I describe here. Such enforcement would likely require justification of a kind that is inherently connected to the legitimate functions of states, and my defence of the moral normativity of need does not reach this far.

⁴⁸⁸ Gilabert, 2016, p. 518.

⁴⁸⁹ For example, carbon tax or emissions trading schemes have been implemented in a range of states and regions (SBS News, 2016).

⁴⁹⁰ 2007, p. 1607-1608.

preclude more direct contributions to reduce need. However, where there is unmet need in the near proximity, another potential mechanism might involve organising mandatory community service schemes.⁴⁹¹

As I have indicated, collective action movements will be necessary to the establishment of any international or state level adoption of coercive enforcement systems. Transnational solidarity movements offer one example of such collective action, and a human right to basic subsistence has been proposed as a plausible core for cross-cultural dialogue and advocacy to that end.⁴⁹² In the absence of institutional actors capable of enforcing responsiveness to need, one way of fulfilling the duty of responsiveness is to take part in such movements aimed at change. Such indirect action aims to secure the necessary conditions for comprehensive responsiveness, and is thus a valuable contribution.

4. Objections

I will now address some of the foremost challenges facing the view of collective duties of justice to respond to need that I have presented. I first address demandingness concerns, and then the related worry that the moral psychology of responsiveness to need cannot extend to distant fellow humans. Next is what turns out to be another species of demandingness concern, wherein duties to coordinate are too burdensome when appropriate institutions do not yet exist. Finally, I consider whether my account risks multiplying duties (or collectives, or institutions,) in a way that unnecessarily clutters or confuses the moral landscape.

⁴⁹¹ For example, this may be an appropriate contribution for communities near borders where refugees are known to attempt dangerous border crossings, or where asylum seekers are temporarily housed. It may also be an effective response to the basic need for social inclusion that I defended in Chapter 1, Section 3.3. We might respond to this need by organising mandatory community service schemes at a local level, focusing on outreach for marginalised and vulnerable people. See: Brownlee, 2016, p. 67.

⁴⁹² Flynn, 2009.

4.1 Demandingness

All moral accounts which defend duties to fellow human beings, as such, on the basis of need or suffering must face the challenge that such responsibilities are too demanding.⁴⁹³ Peter Singer's landmark "Famine, Affluence, and Morality"⁴⁹⁴ has been critiqued extensively for demanding too much of people with their own lives to lead, as his strong individual utilitarian principle requires sacrifice "reducing ourselves to the level of marginal utility,"⁴⁹⁵ at which point we are no longer even able to help. One response to such charges is to simply accept the demandingness claim. On this line of thought, the mere fact that a moral principle is demanding and requires extreme life changes does not mean that it is wrong. We may fail to live up to what morality demands of us, and we will be morally responsible for such failure. Although Singer takes this approach in responding to demandingness concerns,⁴⁹⁶ I will not. Not only would this significantly reduce plausibility for those who take morality to set more achievable expectations for us, but I think there are more satisfying ways of dealing with the challenge.⁴⁹⁷

The account I have proposed defends coordination as a means of making responding to need more achievable and efficient, with the possibility of enforcement which would provide assurance of compliance, and a measure of security for the most vulnerable. However, I have only defended *in principle* moral enforceability; in practice we will have countervailing reasons. Although the duty I have defended is not discretionary, it is defeasible, and enforcement will not always be warranted.⁴⁹⁸ For this reason, I

⁴⁹³ For example: Meckled-Garcia, 2013; Wellman, 2005; Miller, 1999.

⁴⁹⁴ Singer, 1972.

⁴⁹⁵ Singer, 1972, p. 241.

⁴⁹⁶ Singer, 2016. This response to the demandingness objection has found favour with other consequentialists: Sobel, 2007; Goodin, 2009.

⁴⁹⁷ Singer's utilitarian approach means that although he considers it to be true that the principle is extremely demanding, it may be best to argue for the truly defensible position only in academic books and journals (2016). If presenting some more palatable, less demanding alternative is more likely to generate action, we should instead publicise that version of the principle.

⁴⁹⁸ Kassner, 2009.

cannot rely exclusively on the psychological benefits of coercive enforcement to dismantle this challenge.

Instead, I suggest that coordination supplies us with a way to address this concern. There is a straightforward sense in which coordination allows for division of labour, strategic planning and prioritising, and assurance that at least all those who you are cooperating with are ‘doing their part too,’ similarly constrained by the expectations of the collective. This is a line of reasoning with a long history in political thought, and for my purposes, it amounts to the claim that ‘many hands make light work.’

Further, Lichtenberg stresses that “demandingness is not a fixed quantity,”⁴⁹⁹ and that by changing the conditions under which people act, we can make it easier and more automatic for them to make choices which would otherwise be seen as high-cost or too morally demanding. If, for example, our duties will require reductions in individual consumption levels, this will be much less psychologically taxing if we see that others have made similar reductions.⁵⁰⁰ She derives this line of thought from the situationist social psychological experiments⁵⁰¹ of the last several decades, and we could equally learn from nudge theory,⁵⁰² which is particularly instructive for directed behavioural intervention.

For example, Goldstein, Cialdini, and Griskevicius conducted a recent study testing the relative efficacy of two signs encouraging energy conservation to guests in a hotel. The signs encouraged reusing towels, and each room had one of the two, reading:

“Help Save the Environment

You can show respect for nature and help save the environment during your stay.”

⁴⁹⁹ Lichtenberg, 2013, p. 8.

⁵⁰⁰ She offers a variety of reasons for this effect: “networking and infrastructure effects; adaptation and habituation; salience and availability; status, signalling, and self-respect” (2013, p. 144). See: Lichtenberg, 2013, p. 122-149.

⁵⁰¹ For a philosophical review of situationist literature and its potential to bolster moral progress, see: Sarkissian, 2010.

⁵⁰² See, for example: Thaler & Sunstein, 2008.

Or

“Join Your Fellow Citizens in Helping to Save the Environment

Almost 75% of guests who are asked to participate in our new resource savings program do help by using their towels more than once...”⁵⁰³

35.1% of guests in rooms with the first sign reused their towels, versus 44.1% of those in rooms with the second sign, indicating that the simple belief that others were reusing their towels was enough to encourage higher participation rates. A second experiment demonstrated an even stronger effect when the sign indicated 75% of guest who had stayed *in the same room* had participated. Note that this option was made more choice-worthy without coercive sanctions.

These results have been replicated in other contexts, with similar effects in voting behaviour⁵⁰⁴ and healthy eating behaviours.⁵⁰⁵ Directed intervention on the basis of such studies could take a variety of forms, but they certainly give us reason to think that coordination can lessen psychological burdens associated with contribution.

Finally, I have indicated that there are limits on what any one person can be expected to contribute, and that those limits do not require us to contribute unless we can do so ‘at less than significant cost’ to ourselves. This raises the question of how we should understand costs and their moral significance.⁵⁰⁶ Many defenders of stringent duties to the global poor have disagreed about how best to define and defend the principled limits of contribution. On the view I propose, we will need to make sacrifices; opportunity costs for the time, effort, and resources we dedicate to responding to need will mean that we cannot ignore even small sacrifices. But where do we draw the line? Although at one extreme it clearly exceeds the ‘significant cost’ qualification to require that we give up everything that gives my life meaning in order to respond to

⁵⁰³ 2008, p. 473-474.

⁵⁰⁴ Gerber and Rogers found that emphasizing high estimated turnouts for upcoming votes was more effective in motivating voters than warning that many citizens fail to vote (2009). The effect was particularly strong for only occasional voters.

⁵⁰⁵ Croker et al., 2009.

⁵⁰⁶ Thanks to Judith Lichtenberg for pushing me to comment on this ongoing debate.

need, should I give up a hobby if it is particularly costly, time-consuming, or resource intensive? I will not settle the question of how costs and their moral significance are best defined here, but I will offer one possible way of understanding ‘significant cost.’ Cripps suggests that costs exceed the ‘significance’ limit when they interfere with the exercise of a central human functioning interest or functioning, even if that interference is temporary.⁵⁰⁷ Returning to the example, if my hobby is one among many options for me to pursue meaningful recreation, the cost of pursuing an alternative hobby is not significant; if there are no such alternative options, sacrificing the hobby would be significant. This view is, for example, more demanding than Liam Murphy’s requirement that we only contribute as much as we would have to if everyone able to contribute was also doing their part.⁵⁰⁸ However, I suggest that coordination and publicizing collective contributions could make otherwise burdensome duties considerably more psychologically comfortable.

4.2 Moral psychology and distance

A related concern is that the greater the psychological distance between people, the less willing they will be to take action to alleviate suffering or engage in prosocial behaviour.⁵⁰⁹ This is a well-established claim in social psychology,⁵¹⁰ and it appears to extend to a variety of kinds of distance, including physical distance⁵¹¹ and in-group/out-group membership.⁵¹² As I defend duties to fellow human beings in need as such, arguably we could not get much more psychologically distant than that.

This challenge amounts to a more particular version of the demandingness claim, in that the fundamental concern is that it will be too demanding to expect people to contribute to collective action to benefit people who are so psychologically distant

⁵⁰⁷ Cripps, 2013, p. 13-14. See Chapter 2 Section 3.1 for a list of the ten core capabilities proposed by Nussbaum which might offer candidates here.

⁵⁰⁸ Murphy, 1993.

⁵⁰⁹ For example, see: Wenar, 2003.

⁵¹⁰ Henderson, Szu-chi, & Chiu-chi, 2012.

⁵¹¹ Levine & Thompson, 2004.

⁵¹² Goff, Steele, & Davies, 2008.

from themselves. One way of responding to this challenge is to find ways to humanise those who are psychologically distant from us.⁵¹³

For example, it is well-established that charitable appeals that feature identifiable people tend to be more successful than those providing statistical information about the scale of the problem.⁵¹⁴ One study found that providing both an identifiable beneficiary *and* statistical information was less successful than simply focusing on the identifiable person.⁵¹⁵

This phenomenon has been observed outside the laboratory too. Reports of the refugee crisis offering statistics regularly failed to resonate, but when the photograph of Alan Kurdi, a drowned toddler whose body was washed ashore, circulated in the popular news media, people across Europe became more sympathetic to child refugees. What is more, many took action, welcoming people into their homes, donating food, and volunteering in Calais camps.⁵¹⁶ Among other things, this gives us reason to think that psychological distance is not a fixed quantity either. We are sensitive to the way the suffering of others is presented to us, and particular, humanising portrayals can move us to take action even when horrifying statistics cannot.

An alternative response to this challenge is to accept that psychological distance will be difficult to overcome in a sustained way. Even when we keenly experience the normative pull of particular cases such as Alan Kurdi, this pull is liable to fade from our minds over time, and will not be enough to sustain ongoing collective action. If this pull is enough to gain attention, we might instead turn that attention into ongoing action by shaping how easy it is to choose to continue our involvement. One way of

⁵¹³ I do not claim that humanising people allows us to entirely dispense with the problem of psychological distance, as the tangibility of physically confronting need in the flesh may always be more gripping than even the most skilful narrative. However, skilful narrative can break down barriers such that we are motivated to respond, and that is enough for this purpose. On the role of narrative in behaviour change, see: Kim et al., 2012; Niederdeppe, Shapiro, & Porticella, 2011.

⁵¹⁴ Small & Loewenstein, 2003.

⁵¹⁵ Small, Loewenstein, & Slovic, 2007.

⁵¹⁶ Merriman, 2016.

doing this is to build a sense that others are contributing too. As we have seen, this can be achieved without coercive sanctions, by making the contributions of others nearby, who share characteristics with us, more visible.⁵¹⁷ This may bolster the sense that contribution is the norm or the default, and allow us to tap into the powerful cognitive bias that people have towards choosing the default option when it is available.⁵¹⁸

However, coercive sanction through institutional enforcement offers a more widespread and long-term method of behaviour change. This is an insight into human behaviour which is common in moral and political thought, and is also supported by social psychological research into cooperation and sanctions. In public-goods experiments involving a series of rounds of contribution, cooperation tends to decrease over time unless punishment mechanisms are introduced, allowing fellow participants to punish non-contribution.⁵¹⁹ Indeed, introduction of sanctioning systems tends to transform the least trusting participants into strong co-operators.⁵²⁰ Further, if coercive sanctions⁵²¹ were introduced, we would not have to rely on people keeping the pull of those in need foremost in our minds. Such enforcement builds confidence in compliance, and it provides a concrete sense that others are contributing too.⁵²²

4.3 Non-existence of necessary coordinative collectives

The previous two objections present a challenge for any account that defends non-discretionary duties to those in need, on the basis of their humanity alone. I now consider an objection that is a particular problem for views offering a collectivised or

⁵¹⁷ Lichtenberg, 2004.

⁵¹⁸ Recent neuroscience indicates that simply choosing the default may be psychologically rewarding in itself, aside from the outcome of the choice. See: Yu et al., 2010.

⁵¹⁹ Fehr & Fischbacher, 2004; Ostrom, 2000.

⁵²⁰ Ostrom, 2000, p. 141.

⁵²¹ Although I have been primarily concerned with legal and institutional forms of coercive sanction, social norms also play a connected and important role in behaviour regulation and change.

⁵²² It will be important that the pull of need is not lost entirely, such that democratic processes and institutional change deprioritise responsiveness. We are not in danger of running out of human need any time soon, so maintaining its salience will rely on effective communication of ongoing need, perhaps particularly when significant political choice situations arise.

institutional picture of those duties, like my own account. Meckled-Garcia⁵²³ charges that we currently do not have sufficient international institutions to enable coordination on a level necessary to enforceably distribute benefits and burdens. Such institutions only exist at the level of sovereign states, and in this context, coordinating to secure something like subsistence at the international level is implausible:

“In the absence of shared institutions this fairness function would have to be played by a rule that, if followed by individuals and separate states, will coordinate actions to successfully secure subsistence for the needy whilst taking those fairness factors into account. That such a rule could be developed which even takes into account changing circumstances is not plausible.”⁵²⁴

Meckled-Garcia is focused on the plausibility of finding ‘a rule’ as the principled basis for coordination outside the existence of sufficient coordinative institutions, but there is no need to focus on this particular point as it is not clear to me that states themselves, which he takes to perform the role he describes, do so on the basis of a singular, unifying rule.

Rather, the challenge is twofold. One, in the absence of sufficient international institutions to coordinate our duties of responsiveness, it is unrealistic to think that we could ever discharge such duties, and such institutions do not exist. Two, it is implausible to think that the necessary institutions could ever come to exist.

To the extent that the first concern is true, this provides the impetus for such institutions to be created. Indeed, creating necessary coordinative structures should take first priority. Those who contribute to this process are ‘doing their part,’ despite it having only an indirect effect on human need.

It is not clear to me why we should think that the second concern is true. As we have seen, even a fellow proponent of the political conception of justice judges that some

⁵²³ 2013.

⁵²⁴ Meckled-Garcia, 2013, p. 79. The language Meckled-Garcia uses, often referring to distributing “benefits and burdens” (p. 79), suggests to me that he has in mind more extensive duties than those I have defended here; indeed, perhaps duties extending to an international distributive justice scheme.

international institutions already sufficiently coordinate with states to be seen as cooperating to collectively enforce institutional norms.⁵²⁵ We must also bear in mind that the level of coordination proposed is not so extensive as that involved in enforcing the significantly more extensive duties of justice which Meckled-Garcia considers to obtain at the level of the state. Admittedly, establishing such institutions would be challenging, requiring time, resources, and expertise. If Meckled-Garcia is right that such institutions would be unprecedented, we would likely face a steep learning curve. However, none of these challenges give us reason to think the task impossible. Rather, if we are taking the level of human need we face seriously, we should see this as an opportunity to get problem-solving.

There is at least one promising avenue from which to start problem-solving. Proponents of an institutional view of our duties to respond to need could press for an interdisciplinary collaboration, similar to that fostered by proponents of the individual view of such duties in the form of effective altruism. Existing expertise could be brought together to:

- (a) *Evaluate current institutions*
Investigate current activity, as well as potential, in coordinating international action to respond to need.
- (b) *Investigate potential institutions*
Consider the most achievable, efficacious, and fairest ways of coordinating international action.
- (c) *Determine pathways to change*
As understanding of (a) and (b) builds, investigate the practical actions necessary to establish sufficient institutional coordination.

Potential collaboration could be sought from such fields as the social sciences with expertise in international institutions and law, development studies, social psychology, and moral and political theory.

⁵²⁵ Nagel, 2005.

4.4 Multiplying duties

The thrust of this final challenge is that having identified duties of responsiveness to need, I have in effect recommended that we add a duty to the already expansive list of duties that moral and political philosophers have argued for, thus adding unnecessary conceptual clutter or moral confusion.

First, let me address the clutter. Although language, and even argumentation, shifts significantly between theorists and this tends to produce the appearance of multiplying theories and duties, I suspect that when viewed without the natural instinct toward territoriality and preference for our own turns of phrase, various theories and duties dovetail more than we might think. I am not defending anything like Derek Parfit's ambitious unifying project.⁵²⁶ Rather, I argued in Chapter 2 that needs and capabilities are best seen as two sides of the same coin rather than rivals, and I gave some indication that other neighbouring concepts (such as rights) may be similar. I have focused on need due to its enduring and cross-cultural pre-theoretical appeal, and the fact that it is relatively under-theorised given its currency not just in philosophical argumentation but in news coverage, charitable appeals, and political practice. Further, even if needs and their neighbours dovetail, that does not mean we would tell the same stories if asked both 'why is need so compelling?' and 'why are human rights so compelling?'.

Second, the moral confusion. In practice, securing any kind of responsiveness to need will necessarily involve, for example, addressing climate change. The overwhelming weight of empirical evidence tells us that it will be a challenge for us all,⁵²⁷ although it will disproportionately affect the global worst-off.⁵²⁸ Climate change already threatens water and food security, with ecological disasters leaving vulnerable

⁵²⁶ See: Parfit, 2011.

⁵²⁷ "Climate change threatens the basic elements of life for people around the world – access to water, food production, health, and use of land and the environment" (Stern, 2006, p. vi).

⁵²⁸ "The impacts of climate change are not evenly distributed – the poorest countries and people will suffer earliest and most" (Stern, 2006, p. vii).

malnourished people destitute.⁵²⁹ Although this indicates potential dovetailing between need and climate justice considerations, as an example, perhaps it reanimates the challenge of demandingness? Cripps judges that at least one reason that young people have for taking on collective climate change responsibilities is based in self-interest. Aside from any concerns for distant people, we are all vulnerable to the effects of climate change, and self-interest is not quite so sensitive to demandingness concerns.

Finally, I would add that I am not convinced by arguments which presume the moral landscape to be a simplistic one. Certainly, there is no sense in adding *useless* complication; however, the mere fact of complication should not be taken to necessarily indicate that a mistake has been made.

5. Conclusion

In this chapter, I have argued that we should take a collective view of our duty to respond to need, and that such a collective duty is in principle morally enforceable, and so should be seen as a matter of justice. I began by suggesting that coordination and collective action render a duty of responsiveness to need less demanding, and more feasible. As such, our collective capacity to respond to need should be seen as grounding a collective duty of responsiveness. I then offered various reasons for thinking of this duty as morally enforceable, in principle, and thus a matter of justice. Finally, I addressed a range of possible objections to my proposal.

Demonstrating that our need-based obligations are duties *of justice*, and are in principle legitimately enforceable, gives them clout. Further, it means forms of collective action that rely on coercive force for their feasibility are available to us in addressing need, and they may be all-things-considered justified in practice. That is good news, as the extent of human need, and the difficulty and complexity of addressing it, present daunting challenges. Many sources of human need, such as climate change, are at their

⁵²⁹ IPCC, 2014.

heart *collective*; therefore, it should not be surprising that addressing them will necessarily involve collective action. In the absence of institutional structures for the distribution of responsibilities responding to need, coordination and collective action to bring about such distribution is called for. Thankfully, we have a wealth of expertise in relevant fields which, if mobilised into a cohesive programme of research, might yield concrete policy recommendations that allow us to problem solve and respond to need effectively.

References

- Amanatidou, E., Cunningham, P., Gök, A., & Garefi, I. (2014). "Using evaluation research as a means for policy analysis in a 'new' mission-oriented policy context." *Minerva*, 52(4), 419-438.
- Andreou, C. (2007). "Environmental preservation and second-order procrastination." *Philosophy & Public Affairs*, 35(3), 233-248.
- Ashford, E. (2009). "The alleged dichotomy between positive and negative duties of justice." In C. R. Beitz & R. E. Goodin (eds.), *Global Basic Rights* (pp. 85-115). Oxford: Oxford University Press.
- Berkey, B. (2017). "Benefiting from unjust acts and benefiting from injustice: Historical emissions and the Beneficiary Pays Principle." In L. H. Meyer & P. Sanklecha (eds.), *Climate Justice and Historical Emissions* (pp. 123-140). Cambridge: Cambridge University Press.
- Björnsson, G. (Forthcoming). "On individual and shared obligations: In defense of the activist's perspective." In M. Budolfson, T. McPherson, & D. Plunkett (eds.), *Philosophy and Climate Change*. Oxford: Oxford University Press.
- Brock, D. W., & Wikler, D. (2009). "Ethical challenges in long-term funding for HIV/AIDS." *Health Affairs*, 28(6), 1666-1676.
- Brownlee, K. (2016). "Ethical dilemmas of sociability." *Utilitas*, 28(1), 54-72.
- Collins, S., & Lawford-Smith, H. (2016). "Collectives' and individuals' obligations: A parity argument." *Canadian Journal of Philosophy*, 46(1), 38-58.
- Cripps, E. (2015). "Climate change, population, and justice: Hard choices to avoid tragic choices." *Global Justice: Theory, Practice, Rhetoric*, 8(2), p. 1-22.
- Cripps, E. (2013). *Climate Change and the Moral Agent: Individual Duties in an Interdependent World*. Oxford: Oxford University Press.
- Crocker, H., Whitaker, K. L., Cooke, L., & Wardle, J. (2009). "Do social norms affect intended food choice?" *Preventive Medicine*, 49(2-3), 190-193.

- Fabre, C. (2012). "Subsistence wars." In *Cosmopolitan War* (pp. 97-129). Oxford: Oxford University Press.
- SBS News [Online] (2016, 9 Dec). *Factbox: Carbon taxes and emission trading schemes around the world*. Retrieved from: <http://www.sbs.com.au/news/article/2016/12/08/factbox-carbon-taxes-and-emission-trading-schemes-around-world>.
- Farber, D. A. (2007). "Basic compensation for victims of climate change." *University of Pennsylvania Law Review*, 155(6), 1605-1656.
- Fehr, E., & Fischbacher, U. (2004). "Social norms and human cooperation." *Trends in Cognitive Sciences*, 8(4), 185-190.
- Flew, A. (1988). "Meeting needs: Charity or justice?" *Journal of Applied Philosophy*, 5(2), 225-231.
- Flynn, J. (2009). "Human rights, transnational solidarity, and duties to the global poor." *Constellations*, 16(1), 59-77.
- Gardner, J. (2007). "The wrongness of rape." *Offences and Defences: Selected Essays in the Philosophy of Criminal Law* (pp. 1-32). Oxford: Oxford University Press.
- Gerber, A. S., & Rogers, T. (2009). "Descriptive social norms and motivation to vote: Everybody's voting and so should you." *Journal of Politics*, 71(1), 178-191.
- Gilbert, P. (2016). "Justice and beneficence." *Critical Review of International Social and Political Philosophy*, 19(5), 508-533.
- Gilbert, P. (2006). "Basic positive duties of justice and Narveson's libertarian challenge." *Southern Journal of Philosophy*, 44(2), 193-216.
- Gilbert, P. (2004). "The duty to eradicate global poverty: Positive or negative?" *Ethical Theory & Moral Practice*, 7(5), 537-550.
- Goff, P. A., Steele, C. M., & Davies, P. G. (2008). "The space between us: Stereotype threat and distance in interracial contexts." *Journal of Personality & Social Psychology*, 94(1), 91-107.
- Goldstein, N. J., Cialdini, R. B., & Griskevicius, V. (2008). "A room with a viewpoint: Using normative appeals to motivate energy conservation in a hotel setting." *Journal of Consumer Research*, 35(3), 472-482.
- Goodin, R. (2009). "Demandingness as a virtue." *Ethics*, 119(1), 1-13.
- Goodin, R. (1985). *Protecting the Vulnerable: A Reanalysis of Our Social Responsibilities*. Chicago: Chicago University Press.
- Henderson, M. D., Szu-chi H., & Chiu-chi A. C. (2012). "When others cross psychological distance to help: Highlighting prosocial actions towards outgroups encourages philanthropy." *Journal of Experimental Social Psychology*, 48(1), 220-225.
- Illingworth, P., Pogge, T., & Wenar, L. (eds.) (2011). *Giving Well: The Ethics of Philanthropy*. New York: Oxford University Press.

- Intergovernmental Panel on Climate Change (IPCC) (2014). "Summary for policymakers." In Field, C. B. et al. (eds.) *Climate Change 2014: Impacts, Adaptation, and Vulnerability. Part A: Global and Sectoral Aspects. Contribution of Working Group II to the Fifth Assessment Report of the Intergovernmental Panel on Climate Change* (pp. 1-32). Cambridge & New York: Cambridge University Press.
- Kassner, J. (2009). "Completing the incomplete: A defense of positive obligations to distant others." *Journal of Global Ethics*, 5 (3), 181-193.
- Kelleher, J. P. (2013). "Prevention, rescue, and tiny risks." *Public Health Ethics*, 6(3), 252-261.
- Kim, H. S., Bigman, C. A., Leader, A. E., Lerman, C., & Cappella, J. (2012). "Narrative health communication and behaviour change: The influence of exemplars in the news on intention to quit smoking." *Journal of Communication*, 62(3), 473-492.
- Levine, M., & Thompson, K. (2004). "Identity, place, and bystander intervention: Social categories and helping after natural disaster." *Journal of Social Psychology*, 144(3), 229-245.
- Lichtenberg, J. (2013). *Distant Strangers: Ethics, Psychology, and Global Poverty*. New York: Cambridge University Press.
- Lichtenberg, J. (2010). "Negative duties, positive duties, and the 'new harms.'" *Ethics*, 120(3), 557-578.
- Lichtenberg, J. (2004). "Absence and the unfond heart: Why people are less giving than they might be." In D. K. Chatterjee (ed.), *The Ethics of Assistance: Morality and the Distant Needy* (pp. 75-98). Cambridge: Cambridge University Press.
- MacAskill, W. (2015). *Doing Good Better: How Effective Altruism Can Help You Make a Difference*. New York: Random House.
- May, L. (1987). *The Morality of Groups*. Notre Dame: University of Notre Dame Press.
- Meckled-Garcia, S. (2013). "Giving up the goods: Rethinking human rights to subsistence, institutional justice, and imperfect duties." *Journal of Applied Philosophy*, 30(1), 73-87.
- Meckled-Garcia, S. (2008). "On the very idea of cosmopolitan justice: Constructivism and international agency." *Journal of Political Philosophy*, 16(3), 245-271.
- Merriman, H. (2016, 12 Oct). Why are 10,000 migrant children missing in Europe? *BBC News* [Online]. Retrieved from: <http://www.bbc.co.uk/news/world-europe-37617234>.
- Mieth, C. (2008). "World poverty as a problem of justice? A critical comparison of three approaches." *Ethical Theory & Moral Practice*, 11(15), 15-36.
- Miller, D. (1999). *Principles of Social Justice*. Cambridge: Harvard University Press.

- Murphy, L. (1993). "The demands of beneficence." *Philosophy & Public Affairs*, 22(4), 267-292.
- Nagel, T. (2005). "The problem of global justice." *Philosophy & Public Affairs*, 33(2), 113-147.
- Nagel, T. (1975). "Libertarianism without foundations." *Yale Law Journal*, 85(1), 136-149.
- Narveson, J. (2003). "We don't owe them a thing!: A tough-minded but soft-hearted view of aid to the faraway needy." *The Monist*, 86(3), 419-433.
- Niederdeppe, J., Shapiro, M. A., & Porticella, N. (2011). "Attributions of responsibility for obesity: Narrative communication reduces reactive counterarguing among liberals." *Human Communication Research*, 37(3), 295-323.
- Norman, R. (2001). "Criteria of justice: Desert, needs, and equality." *Res Publica*, 7(2), 115-136.
- Ostrum, E. (2000). "Collective action and the evolution of social norms." *Journal of Economic Perspectives*, 14(3), 137-158.
- Overland, G. (2005). "Poverty and the moral significance of contribution." *Journal of Moral Philosophy*, 2(3), 299-315.
- Parfit, D. (2011). *On What Matters*. Oxford: Oxford University Press.
- Piff, P. K., Kraus, M. W., Côté, S., Cheng, B. H., & Keltner, D. (2010). "Having less, giving more: The influence of social class on prosocial behavior." *Journal of Personality and Social Psychology*, 99(5), 771-784.
- Pogge, T. (2007a). "Eradicating systemic poverty: Brief for a Global Resources Dividend." *International Journal on Human Rights*, 6(4), 137-158.
- Pogge, T. (2007b). "Introduction." In T. Pogge (ed.), *Freedom from Poverty as a Human Right: Who Owes What to the Very Poor?* (pp. 1-11). Oxford: Oxford University Press & UNESCO.
- Pogge, T. (2002). *World Poverty and Human Rights*. Cambridge: Polity Press.
- Pummer, T. (2016). "Whether and where to give." *Philosophy & Public Affairs*, 44(1), 77-95.
- Rawls, J. (1971). *A Theory of Justice*. Cambridge: Harvard University Press.
- Reiff, M. R. (2005). *Punishment, Compensation, and Law: A Theory of Enforceability*. Cambridge: Cambridge University Press.
- Ross, W. D. (1930). *The Right and the Good*. Oxford: Clarendon Press.
- Russell, P. (1987). "Nozick, need, and charity." *Journal of Applied Philosophy*, 4(2), 205-216.
- Sarkissian, H. (2010). "Minor tweaks, major payoffs: The problems and promise of situationism in moral philosophy." *Philosophers' Imprint*, 10(9), 1-15.
- Scanlon, T. M. (1998). *What We Owe to Each Other*. Cambridge: Harvard University Press.

- Schweickart, D. (2008). "Global poverty: Alternative perspectives on what we should do – and why." *Journal of Social Philosophy*, 39(4), 471-491.
- Shue, H. (1988). "Mediating duties." *Ethics*, 98(4), 687-704.
- Shue, H. (1980). *Basic Rights: Subsistence, Affluence, and U.S. Foreign Policy*. Princeton: Princeton University Press.
- Singer, P. (2016). "The most good you can do: A response to the commentaries." *Journal of Global Ethics*, 12(2), 161-169.
- Singer, P. (2009). *The Life You Can Save: Acting Now to Stop World Poverty*. New York: Random House.
- Singer, P. (1972). "Famine, affluence, and morality." *Philosophy & Public Affairs*, 1(3), 229-243.
- Small, D. A., & Loewenstein, G. (2003). "Helping a victim or helping the victim: Altruism and identifiability." *Journal of Risk & Uncertainty*, 26(1), 5-16.
- Small, D. A., Loewenstein, G., & Slovic, P. (2007). "Sympathy and callousness: The impact of deliberative thought on donations to identifiable and statistical victims." *Organisational Behaviour and Human Decision Processes*, 102(2), 143-153.
- Sobel, D. (2007). "The impotence of the demandingness objection." *Philosophers' Imprint*, 7(8), 1-17.
- Sonderholm, J. (2012). "World poverty, positive duties, and the overdemandingness objection." *Politics, Philosophy, & Ethics*, 12(3), 308-327.
- Stanton-Ife, J. (2008). "The limits of law." *Stanford Encyclopedia of Philosophy* (Winter 2008 edition), E. N. Zalta (ed.). Retrieved from: <http://plato.stanford.edu/entries/law-limits/>.
- Stemplowska, Z. (2016). "Doing more than one's fair share." *Critical Review of International and Social Political Philosophy*, 19(5), 591-608.
- Stern, N. (2006). Stern Review on the Economics of Climate Change: Executive Summary. *The Office of Climate Change* [Archive]. Retrieved from: http://www.wwf.se/source.php/1169157/Stern%20Report_Exec%20Summary.pdf.
- Stewart, H. (2010). "The limits of the harm principle." *Criminal Law and Philosophy*, 4(1), 17-35.
- Thaler, R. H., & Sunstein, C. R. (2008). *Nudge: Improving Decisions about Health, Wealth, and Happiness*. New Haven, CT: Yale University Press.
- Thompson, J. (2000). "Historical obligations." *Australasian Journal of Philosophy*, 78(3), 334-345.
- United Nations High Commission for Refugees [UNHCR]. (2016, 20 June). *Global forced displacement hits record high*. Retrieved from: <http://www.unhcr.org/uk/news/latest/2016/6/5763b65a4/global-forced-displacement-hits-record-high.html>.

- United Nations High Commission for Refugees [UNHCR]. (2017). *UNHCR projected: Global resettlement needs* [Report]. Retrieved from: <http://www.unhcr.org/protection/resettlement/575836267/unhcr-projected-global-resettlement-needs-2017.html>.
- Wellman, C. H. (2005). "Famine relief: The duties we have to others." In A. Cohen, & C. Wellman (eds.), *Contemporary Debates in Applied Ethics* (pp. 313-325). Oxford: Blackwell.
- Wenar, L. (2003). "What we owe to distant others." *Politics, Philosophy, & Economics*, 2(3), 283-304.
- World Bank. (2016). *Poverty and Shared Prosperity 2016: Taking on Inequality*. Washington, DC: World Bank.
- World Health Organisation [WHO]/Food and Agriculture Organisation of the United Nations [FAO]. (2014, 19 Nov). *Countries vow to combat malnutrition through firm policies and actions*. Retrieved from: <http://www.who.int/mediacentre/news/releases/2014/icn2-nutrition/en/>.
- Yu, R., Mobbs, D., Seymour, B., & Calder, A. J. (2010). "Insula and striatum mediate the default bias." *Journal of Neuroscience*, 30(44), 14702-14707.
- Yueh, L. (2015, 27 Mar). "Is it possible to end global poverty?" *BBC News* [Online]. Retrieved from: <http://www.bbc.co.uk/news/business-32082968>.

Conclusion

Being responsive to need is not a new idea. Indeed, it is perhaps among the most characteristic practices of the moral agent. However, understanding our *duties to others* in terms of responsiveness (rather than meeting or satisfying) is, I have argued, a step forward in how we conceive of our need-based duties. In the foregoing chapters, I have attempted to develop an account of the normativity of need on which the morally relevant capacities of our fellow human beings, and our shared vulnerability, ground duties of responsiveness which are stringent and, in principle, enforceable. I will now recapitulate the key points of the thesis, before revisiting the motivation for the thesis, to consider the state of the project as it currently stands. I then suggest areas for future research, including the extension or application of the account into the domain of non-human needs and nearby fields such as bioethics, and reflect on its relevance and action guidance for current global challenges.

1. A Brief Recapitulation

I began by preparing the ground for the inquiry, offering a familiar analysis of need as a three-part relation ('X needs Y in order that Z'). After surveying prominent accounts of the distinction between needs and wants, I suggested that morally important needs are those which all people have in virtue of what is good for each of us *qua* human beings ('non-arbitrary needs'). On the most sympathetic understanding of some existing accounts, this was not new; however, needs talk has been charged with being confused,⁵³⁰ and linguistic precision is helpful in assuaging this concern. I then distinguished an existentially urgent subset of non-arbitrary needs as 'basic needs,' employing Shue's understanding of the term 'basic.'

I then considered the relation between needs and their nearby conceptual neighbours, with a particular focus on capabilities. The capabilities approach of Nussbaum was contrasted with the needs theory of Doyal and Gough, and I argued that a

⁵³⁰ Brandon, 1993.

complementary reading offered the most complete picture of human well-being and entitlements. However, Sen's early writings gave us reason to see needs and capabilities as two sides of the same coin: neither approach is necessarily dependent on the other, but each offers a valuable and distinct focus. I then claimed that a similar picture arises when we consider the relation between needs and rights. Although needs are not irreducible, they offer a valuable lens or vantage-point which is more useful and insightful for some tasks than others, much like neighbouring concepts. Needs play an important role in moral and political theory.

A 'moral enforceability' account of duties of justice was defended, where duties of justice are those which are, in principle, morally enforceable by third-parties. This distinguished my account from the classical view on which need-based duties are best seen in terms of beneficence or humanitarianism. The moral enforceability account does not require that all duties of justice *are* justifiably enforceable in practice, nor that duties of justice are only the concern of institutions. Rather, duties of justice are *the kind of thing* that we might be justified in enforcing coercively, in principle.

Having developed an account of needs and of duties of justice, I then turned to moral normativity. Existing views on the normativity of need were entertained, and each was judged unsatisfying. However, several offered valuable insights on the importance of suffering, vulnerability, and public acknowledgement for the view which I ultimately developed. I proposed that we see the morally relevant capacities of the being in need as giving them moral status such that their needing is morally significant. Further, the kind of vulnerable being each of us is requires that we are called to answer this need with responsiveness. I pointed to some differences between responsiveness and meeting need, and highlighted the role of acknowledgement and the skilful dimension to determining *how* to respond.

Finally, I posited that we have duties of responsiveness to need which are a matter of justice, as they are the sort of duties that are, in principle, morally enforceable. I developed a collective view of these duties, grounded in the capacity of the global well-off to contribute. I suggested that we look to moral and social psychological research to problem-solve challenges of demandingness, and that local knowledge and

rigorous research on best practice are imperative to appropriate responsiveness when faced with global threats to the necessary conditions for human existence.

2. Motivations Revisited

As I suggested in the introduction, the kind of moral claims that needs makes of us, and their relative strength, matters. If responding to need were discretionary, and not properly subject to institutional enforcement, we would be limited in the range of policy interventions we could employ to address need. However, I have argued that our need-based obligations are duties *of justice*, and amenable to enforcement. Determining that they are *amenable* to enforcement, in principle, is the first step to giving such obligations teeth.

Further, the account of the moral normativity of need I have developed is a contribution to moral and political theory which defends strict, enforceable duties to the global poor. The need-based argument is best seen as complementary to harm or exploitation-based views, as they need not be mutually exclusive. For those sceptical of such rivals, it offers a compelling alternative. For those convinced by such rivals, it offers an additional way of understanding and justifying enforceable duties.

An additional motivation for the project was to address the lack of rigorous investigation of the moral normativity of need. Previous contributions did not sufficiently engage with or challenge the views of other contenders. Further, they often relied on assumptions which rendered them incompatible with many rival prevalent moral theories: for example, relying on the principle of utility to establish the normativity of need. I hope that the foregoing inquiry, which offers extensive engagement with rivals in Chapters 4 and 5, achieves this goal.

The project has also developed a rigorous, defensible response to the question of why someone else being in need should matter to me: my fellow human beings have capacities which make their need matter morally.

“I have seen no plausible argument that we owe something, as a matter of general duty, to those to whom we have done nothing wrong.”⁵³¹

“Those obligated to offer assistance *on grounds of justice* do not come ‘from the outside,’ but are members of the community.”⁵³²

“I could look in their face and say, ‘You can’t come.’ I’ll look them in their face. [...] I don’t think they should be moving into Greenwich, Connecticut. I don’t think they should be coming into the United States.”⁵³³

Donald Trump, [in response to question whether he could look Syrian refugee children as young as 5 in the face and tell them about plans for refugee relocation]

“A morality that holds need as a claim, holds emptiness – nonexistence – as its standard of value; it rewards an absence, a defect: weakness, inability, incompetence, suffering, disease, disaster, the lack, the flaw – the zero.”⁵³⁴

I have argued that a morality that holds need as a claim offers a recognition of the kind of being that we all are – we are vulnerable beings, capable of tragic suffering, and also capable of flourishing when we are supported in securing the necessary conditions for doing so. There are those who are healthy, whose loved ones are also healthy, whose capacities were supported and developed in periods of particular dependency, whose passions, skills, or talents align with prevailing social values, who were born in countries that are comparatively well-off and secure, and who do not face first-hand threats to their security from violence, war, and climate disasters. For such people, it may be easier to dismiss defect, weakness, and inability as unusual, and undeserving. However, we all required at least the minimal care and essentials of survival in our gestation, infancy, and periods of ill-health to allow us to grow into reasoning, capable beings. Occurrent need may be shorter-lived in those who lead lives of relative privilege and advantage, but we are all needing beings.

⁵³¹ Narveson, 2003, p. 419.

⁵³² Valentini, 2015, p. 747 [emphasis original].

⁵³³ Campbell, 2016, paras. 9 & 12.

⁵³⁴ Rand, 1996, p. 931.

3. Looking Forward

In closing, I now turn to several ways that the theory of need and its normativity I have proposed might be expanded or applied, beyond the considerations that have been my focus.

3.1 Non-human need

I have focused exclusively on human need throughout the project; this is because human need has been the focus of all foregoing need-based theories, and I sought to respond to and develop such theory to make it as rigorous and defensible as possible. However, the theory of moral normativity I have defended, which takes the morally relevant capacities of the needing being to be the ground of normativity, could be developed beyond human need to those beings who also have morally relevant capacities. The most obvious extension is to non-human animals. Here we might expect that animals demonstrate a sliding scale of morally relevant capacities, with many giving sufficient indication of the capacity to suffer, fewer demonstrating the capacity to remember the past and plan for the future,⁵³⁵ and fewer still giving sufficient indication of the capacity for metacognition and self-reflection.⁵³⁶

I suspect that caution is warranted due to epistemic challenges that we, as human beings, face when attempting to understand and interpret the interests of non-human animals. Objective human interests are sufficiently contestable that developing a fixed list of human needs for all humans, at all times, is unwise.⁵³⁷ Attempting such an endeavour for non-human animals would border on the ludicrous. However, developing an account of some of the most basic animal needs, based on objective interests we have good reason to be confident particular non-human animals have,

⁵³⁵ Nicola Clayton and colleagues (2003) argue that food-catching birds show indications of episodic memory and future planning. This challenges the ‘mental time travel hypothesis’ that animals cannot recollect specific past events or plan for the future.

⁵³⁶ For example, Gin Morgan and colleagues have asserted that rhesus macaque monkeys can make retrospective and prospective judgements (2014).

⁵³⁷ See Chapter 1 Section 3.3 for the reasons for my reluctance to offer a list of basic human needs.

offers a concrete way of factoring non-human animals into our moral deliberation. Such an account would have to offer a way of assigning relative priority when human and non-human animals' needs conflict, and indeed when non-human animals' needs conflict.⁵³⁸ However, the minimal requirement I defended for humans (i.e. that the being with morally relevant capacities' need be at least factored into any relevant moral decision-making) might offer a start.⁵³⁹

A similar, albeit currently only hypothetical, extension might be attempted in the field of bioethics to new kinds of being with morally relevant capacities. Much of the theory I have posited refers to the human condition, objective human interests, and responding to beings 'like us.' However, some bioethicists argue that enhancement technologies show enough promise that we must seriously consider the moral status that highly enhanced post-humans might have⁵⁴⁰ – for example, would an immortal human no longer be human? One way of approaching this question might incorporate questions of whether such beings share the same interests and needs of non-humans. In addition to post-humanism, artificial intelligence technologies may also present future challenges for determining the moral status of sentient machines, and developing an account of the basic interests and needs of machines might be a worthwhile entry-point to offering such beings moral consideration.

3.2 Need for perfectionists

After identifying the range of morally important needs as those which are non-arbitrary, that is those which we have in virtue of what is good for each of us *qua* human beings, I have largely focused on the subset of these which are most existentially urgent: our basic needs. This is because I have been interested in understanding the relationship between need and justice, and addressing pressing global challenges of dire need. However, need theory does not have to be limited to basic needs theory; indeed, the framework I have offered could be developed to

⁵³⁸ Cripps, 2010.

⁵³⁹ The capabilities approach has been extended in this way. For example: Nussbaum, 2006.

⁵⁴⁰ Agar, 2010, p. 17; Buchanan, 2009.

provide either a thorough fleshing out of the necessary conditions for human flourishing, or for understanding the kinds of moral claims that such non-basic needs make on us.⁵⁴¹ On the view I have defended, such needs do not ground duties of justice in themselves, but we might take instruction from care ethics or similar relational theories on which the moral importance of non-basic, flourishing needs might be activated by standing in a particular relationship to a fellow human being.

3.3 Extending responsiveness

I have defended a strict duty of responsiveness to need, rather than one of meeting need. We might use this duty of responsiveness not only for action guidance in decision-making, but also to critique and challenge current responses to global challenges of dire need. For example, a necessary component of appropriate responsiveness is acknowledgement: this means that we must consider the beings in need in our practical deliberations. In practice, it will often require that we explicitly express this acknowledgement, as a minimal form of respect. However, it is common in political practice to explicitly acknowledge only those whose need we have chosen to prioritise, leaving those who either never entered into consideration or were deprioritised out of the narrative. This may be politically expedient, but on the view I have defended it is also disrespectful, and should be subject to critique and analysis. We might look to the critique and analysis of real-life cases of political apologies offered in political theory as a nearby example, offering inspiration for proceeding with such critique.⁵⁴²

Further, the account of responsiveness I have offered may also be of help in understanding other kinds of duties. I have focused here on need-based duties, but responsiveness might be reinterpreted in other settings, particularly those where a ‘success’-based obligation (such as ‘meeting’) would be too strong or impractical, but where *some* response or acknowledgement is always called for as a matter of respect

⁵⁴¹ For example, along the lines of the Marxian “species being” (1959, p. 31) or Aristotelian flourishing (2005, book X).

⁵⁴² Mihai & Thaler, 2014.

for, or accountability to, the being we must respond to. For example, although I have concentrated on need-in-itself, responsiveness might be called for when arbitrating between legitimate moral claims in the context of relationships which generate associative duties.

I hope this section demonstrates that the theory of needs and need's moral normativity I have developed could be extended or applied to moral and political contexts and challenges beyond human need.

4. Concluding Remarks

Duties of responsiveness to need have real-life implications. A wide range of threats to the necessary conditions for human life, confront us. Many of these are uniquely collective challenges at heart – such as climate change, and the refugee crisis – and they are already resulting in existentially urgent need in the most vulnerable now. We have a duty to respond to such need that carries sufficient moral force to make it amenable to enforcement, in principle. Further, coordination and collective action represent our best chance of comprehensively addressing these threats.

The seriousness of the challenges we face, and the extent to which we have treated our responsibilities to those in need as discretionary in the past, means that we cannot afford to simply treat this as business-as-usual. We have access to a wealth of knowledge in collective action, moral motivation, international development, and international institutions. By marshalling this expertise, we could develop an evidence base identifying the most effective and achievable actions necessary for each of us to do our part to respond to need. Moreover, if we find that enforcement is all-things-considered justified, we will be able to give our duties of responsiveness teeth. Although the prospect of responding comprehensively to human need is daunting, we owe it to our fellow human beings to get problem-solving.

References

Agar, N. (2010). *Humanity's End: Why We Should Reject Radical Enhancement*. Cambridge: MIT Press.

- Aristotle (2005). *Nicomachean Ethics* (W. D. Ross, trans.). Adelaide: University of Adelaide. Retrieved from:
<https://ebooks.adelaide.edu.au/a/aristotle/nicomachean/>.
- Brandon, E. P. (1993). "Is 'A needs X' elliptical?" *Grazer Philosophische Studien*, 45(1), 125-134.
- Buchanan, A. (2009). "Moral status and human enhancement." *Philosophy & Public Affairs*, 37(4), 346-381.
- Campbell, C. (2016, 8 Feb). Man confronts Donald Trump: Could you look at refugee children 'in the face' and bar them from the US? *Business Insider UK* [Online]. Retrieved from: <http://uk.businessinsider.com/donald-trump-syrian-refugee-children-2016-2?r=US&IR=T>.
- Clayton, N. S., Bussey, T. J., & Dickinson, A. (2003). "Can animals recall the past and plan for the future?" *Nature Reviews Neuroscience*, 4(8), 685-691.
- Cripps, E. (2010). "Saving the polar bear, saving the world: Can the capabilities approach do justice to humans, animals, and ecosystems?" *Res Publica*, 16(1), 1-22.
- Marx, K. (1959). *Economic and Philosophic Manuscripts of 1844* (M. Mulligan, trans.). Moscow: Progress Publishers. Retrieved from:
<https://www.marxists.org/archive/marx/works/download/pdf/Economic-Philosophic-Manuscripts-1844.pdf>.
- Mihai, M. & Thaler, M. (2014). *On the Uses and Abuses of Political Apologies*. Houndmills, Basingstoke: Palgrave Macmillan.
- Morgan, G., Kornell, N., Kornblum, T., & Terrace, H. S. (2014). "Retrospective and prospective metacognitive judgments in rhesus macaques." *Animal Cognition*, 17(2), 249-257.
- Narveson, J. (2003). "We don't owe them a thing!: A tough-minded but soft-hearted view of aid to the faraway needy." *The Monist*, 86(3), 419-433.
- Nussbaum, M. (2006). *Frontiers of Justice: Disability, Nationality, Species Membership*. Cambridge: Harvard University Press.
- Rand, A. (1996). *Atlas Shrugged*. New York: New American Library.
- Valentini, L. (2015). "Social Samaritan justice: When and why needy fellow citizens have a right to assistance." *American Political Science Review*, 109(4), 735-749.